Volume VIII Number 1

MISSISSIPPI LAW JOURNAL

OCTOBER, 1935

PUBLISHED BY
UNIVERSITY OF MISSISSIPPI LAW SCHOOL
AND
MISSISSIPPI STATE BAR

Proceedings
OF THE
Thirtieth Annual Meeting
OF THE
MISSISSIPPI STATE BAR

Entered as second class matter at the Post Office at University, Mississippi, with additional entry at the Post Office at Jackson, Tennessee.
Published five times a year: October, December, February, April, and June.

$3.00 PER ANNUM - - - - - - - - 75 CENTS PER NUMBER

Editorial and Business Office - - - - - - - UNIVERSITY, MISS.

MISSISSIPPI LAW JOURNAL

JOURNAL *of the* MISSISSIPPI STATE BAR

VOL. VIII OCTOBER, 1935 No. 1

MEMBERS OF THE LAW JOURNAL BOARD

BAR COMMITTEE:

HON. D. C. BRAMLETTE, CHAIRMAN
WOODVILLE

HON. T. C. KIMBROUGH
UNIVERSITY

HON. HUGH CLAYTON
RIPLEY

FACULTY ADVISER:
DR. W. S. MALONE

EDITORIAL BOARD:

THOMAS Y. MINNIECE
EDITOR
MAXWELL BRAMLETTE
ASSISTANT EDITOR
W. A. STIGLER
CASE AND COMMENT EDITOR
O. L. CASEY
BOOK REVIEW EDITOR
R. G. GRANTHAM
BUSINESS MANAGER
THOMAS M. KEESEE
EXCHANGE MANAGER

ASSOCIATE EDITORS

WELLS W. WOODY
E. P. WINDHAM
WILLIAM ETHERIDGE
MATT HARPER
L. P. GWIN
WILLIAM BARBOUR
G. L. ADAMS
JEPTHA BARBOUR
CHARLES PHILLIPS
CHARLES GALLOWAY

CONTENTS

PROCEEDINGS OF THE

THIRTIETH ANNUAL MEETING

OF THE

MISSISSIPPI STATE BAR

HELD AT

Natchez, Mississippi, September 5-6, 1935

Entered as second class matter at the Post Office at University, Mississippi, with additional entry at the Post Office at Jackson, Tennessee.

Published five times a year: October, December, February, April, and June.

SUBSCRIPTION PRICE

$3.00 PER ANNUM **75 CENTS PER NUMBER**

Editorial and Business Office, UNIVERSITY, MISS.

Printed by McCowat-Mercer Printing Co. Jackson, Tennessee

OFFICERS OF MISSISSIPPI STATE BAR

1935-36

President

FRANK E. EVERETT—Indianola

First Vice-President

JOHN W. KYLE—Sardis

Second Vice-President

CHAS. F. ENGLE—Natchez

Secretary-Treasurer

MRS. ALICE NEVELS—Jackson

Commissioners

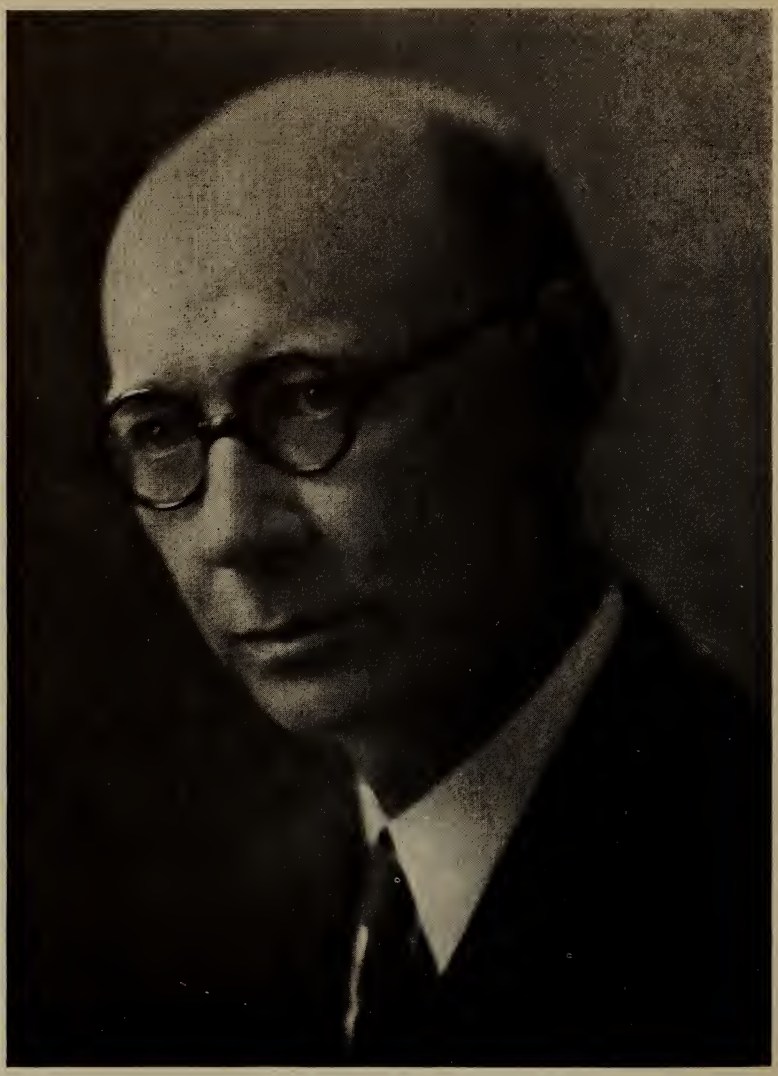
District 1	BEN H. MCFARLAND
District 2	BIDWELL ADAM
District 3	R. C. STOVALL
District 4	ELBERT JOHNSON
District 5	DAVE CRAWLEY
District 6	GERARD H. BRANDON
District 7	ROSS R. BARNETT
District 8	A. W. COOPER
District 9	JOHN B. BRUNINI
District 10	MARION REILEY
District 11	FRED H. MONTGOMERY
District 12	WALTER S. WELCH, SR.
District 13	E. L. DENT
District 14	J. GORDON ROACH
District 15	LEE HALL
District 16	W. G. ROBERDS
District 17	J. H. CALDWELL, SR.

Delegates to American Bar Association, 1936

SIDNEY C. MIZE — BUSTER KEATON

DIRECTORY TO PROCEEDINGS

	PAGE
Statement of the New President of the State Bar	1
Retiring President's Address	10
Report of the Committee on Attorney's Fees	47
Principal Address by Dean Leon Green	54
Report of the Committee on the Method of Selecting Judges	71
Report on The Mississippi Law Journal	80
Report of the Budget Committee	84
Resolution to Memorialize Congress to Provide for the Appointment of a Commissioner to Hear Soldiers' Insurance Contract Cases	88
Nomination and Election of Officers	89
Relations With the American Bar Association, Will Shafroth	103
Report of The History Committee of The Mississippi State Bar	110
Audit of the Books of The Mississippi State Bar	113
Riding the Circuit with Judge Mayers	116
Members of the State Bar	122



W. CALVIN WELLS

Retiring President Mississippi State Bar

MISSISSIPPI LAW JOURNAL

JOURNAL of the MISSISSIPPI STATE BAR

VOL. VIII OCTOBER, 1935 No. 1

STATEMENT OF THE NEW PRESIDENT OF THE STATE BAR

To The Members Of The Mississippi State Bar:

The Bar of Mississippi takes its place along with the ablest bar of any of the Southern States. It is made up from the best of Mississippi's citizenry, and it is my desire to see in practice throughout the entire state the highest principles of the profession.

Putting into effect constructive methods of practice and procedure, and the elimination of mere technicalities in order that righteous conclusions may be reached by our courts, should be our goal.

Co-operation of every lawyer should be loyally given to the work of the association, and it is my wish that all members of the bar will attend the annual meetings of the association. In order that this may be accomplished, may I take the liberty to suggest that each Bar Commissioner call at least one county bar meeting in each county of his district, and one district bar meeting for his entire district during the year prior to the next annual association. Closer association brings about better co-operation, and if we will learn to know each other better, our friendship will ripen into genuine affection for the worthy, and will give us a better knowledge of the unworthy, if there be such.

A great many lawyers do not attend the bar meetings, some, because they feel they have no part in it. By county and district bar meetings, the lawyers mingling one with another, will create an interest in the general workings of the bar. Therefore, we should make it our business to interest all those who have not heretofore joined in the work of the Bar Association.

I believe one way to interest all members of the bar in the association is by discussion of all questions and all subjects in open forum, that every lawyer, desiring to do so, might express his opinion upon any given subject from the floor of the Convention Hall, and not simply present important subjects by some one man designated to present his views in a paper read before the Association.

I appreciate very much the honor conferred upon me at the Natchez meeting by the members of the bar in selecting me as your President for the coming year. I shall, with your co-operation, undertake to render services to the best interest of the entire bar.

Sincerely yours,

FRANK E. EVERETT,

President Mississippi State Bar

PROCEEDINGS

OF

MISSISSIPPI STATE BAR

HELD AT

NATCHEZ, MISSISSIPPI

September 5th and 6th

1935

PROCEEDINGS OF THE THIRTIETH ANNUAL MEETING OF THE

MISSISSIPPI STATE BAR

HELD IN THE CITY OF NATCHEZ, MISSISSIPPI, ON THE 5th AND 6th OF SEPTEMBER, 1935

THE PRESIDENT (Major W. Calvin Wells): I now declare the annual convention of the Mississippi State Bar in session, and duly open for business.

I will ask that the Rev. George D. Booth, of the First Presbyterian Church of Natchez, invoke the Divine blessing upon us. We will rise please.

REV. BOOTH: Almighty and ever blessed God, our Father, we thank Thee that in Thy service to us Thou hast revealed Thyself as the Great Law Giver; and Thou hast made known through Thy revelation Thy purpose in human life and living, Thy law. Thou hast made known to the courts of nations, which is Thy creation, law and its working out of purpose. Grant, we pray Thee, unto these, Thy servants, who have been called into the administration and practice of law, Thy blessing and Thy guidance, and that they may learn of Thy wisdom, that they may learn of Thy justice and righteousness, that they may learn of Thy mercy in the administration and application of the principles Thou hast made known. Bless the homes they represent; be in them to give grace and favor and guidance—all of which we ask in Thy name. Amen.

THE PRESIDENT: Everything has been thought of for our entertainment and pleasure at our convention by these good people of Natchez, but I do not see a gavel up here. I have been informed that there is one to be presented to us by the wife of a former president of this Association, Dean T. C. Kimbrough. I will ask, at this time, that she be good enough to present it to us. Mrs. T. C. Kimbrough.

MRS. KIMBROUGH: Mr. President, in attending the meetings of the Mississippi State Bar I have noticed that this great body of distinguished lawyers did not possess a gavel; on occasions the presiding officer has seemed to be very much in need of one. I am, therefore, presenting to the Mississippi State Bar this gavel made of wood from the "Ole Miss" campus. To you who love the campus I hope the sight and sound of this gavel will bring memories of the Law School and the University—inspiring each of you to live up to the highest ideals of your noble profession. (Applause.)

THE PRESIDENT: That was exceedingly thoughtful of you, Mrs. Kimbrough, and on behalf of the Mississippi State Bar I accept

this gavel with a great deal of pleasure. It is really a very beautiful gavel, and it has this inscription on it:

"Presented to The Mississippi State Bar, Hon. W. Calvin Wells, President, Natchez, September, 1935, by Mrs. T. C. Kimbrough—'Ole Miss' Campus Wood."

JUDGE W. H. POWELL: I move that it be accepted with the thanks of the Convention.

The motion was seconded, put and unanimously carried.

JUDGE POWELL: Mr. President, I do not know, but I think this gavel was made out of wood from a tree that I planted with my own hands.

MRS. KIMBROUGH: I am sure it was.

THE PRESIDENT: I want to rule that Judge Powell is still in good standing for truth and veracity before this body. (Applause.)

We will now have the address of welcome on behalf of the city of Natchez and the Adams County Bar Association by Hon. C. F. Engle, Charlie Engle.

MR. ENGLE: Mr. President, members of the bar of Mississippi, ladies and gentlemen, I was advised some time ago that I appropriated to myself this privilege of making the address of welcome, but I was at Jackson last Tuesday, and I read in the Clarion Ledger a statement that the Reverend Charles F. Engle would deliver the invocation, and knowing that to be a very truthful paper, I decided that it was right and started to prepare the invocation, but in talking to my friend, George Booth, he said he had already written out his invocation, so I was relegated to the address of welcome. In order that this address of welcome may not assume the proportions of a Long filibuster of the Senate, and in order not to try your tolerance, I decided that, following the example of our last two presidents, I would write out what I had to say and stick to my manuscript, because I knew that, if I started to talk without a manuscript, my fancy might roam far and wide, and by the time I had finished, there would not be anybody here to attend on the other features of the convention; so with your permission, and in order that brevity may rule, I am going to stick as closely as I can to this manuscript, and I shall read from it. Of course, I have spent many anxious hours before the mirror practicing this address; but in order that it may start where it does start and end where it ought to end, I shall stick to the manuscript. I have given a copy of it to Stokes. He said he wanted to have a copy because he did not know what I might say, and he wanted to be prepared to answer what I might say. It will not be a surprise to him from now on.

May I not first thank the members of the Natchez Bar for their indulgence in allowing me this privilege of welcoming to historic Natchez (where we proudly and constantly proclaim that the old South still lives), the members of the bar of Mississippi and their

lovely companions. Highly do I value this honor which my brethren of the local bar have bestowed upon me.

As a group, we lawyers are distinctly conservative. We venerate the old landmarks. We favor the chartered course, hallowed by usage and sanctified by custom. We stand shocked and amazed before the new and untried. If something have not precedent for a background, then will we have none of it. We like to see things, peoples, courts, and governments behave as we have been taught to believe they should behave. For example, if at our matutinal bath, the Ivory soap should sink to the bottom instead of floating on top of the water, it would shock us to the finger tips, spoil our whole day, and leave us a prey to vague and mysterious fears protending evils unknown yet to come.

So it was that our able, alert, and progressive president, desirous as he is of getting our association to work to capacity and to infuse into this meeting a little life and pep, was fearful to omit the address of welcome feature. He was willing to move the banquet from the last day up to the second night, even to approve of an open forum, to have a horseshoe pitching contest, and also suggested a hog-calling contest, but he did not have the temerity to dispense with the "address of welcome," hence my presence at this time on this stage.

However, the time-honored procedure of the presentation of the "keys to the city" by the mayor of the place was decided to be a useless ceremony. Anyhow, this town has for so long a while been wide open that no one knew what had become of the keys, and the lid, if we ever had one, we were quite sure wouldn't fit.

It has puzzled me to fix upon to what I shall welcome you.

A full quarter of century has passed since the Mississippi State Bar met at Natchez, May 3rd, 4th, and 5th, 1910. To those of you who have survived that meeting and are here today, I extend congratulations and felicitations. To the rest of you, let me say we are most happy to have you with us and to express the hope that twenty-five years hence we may be privileged to have all who are here now with us once again, as well as many times between times.

I need not welcome you to our hearts and homes; our hearts always are with you and our homes always open to you. There are some things though to which you should welcome yourselves and of which you should take full measure.

Among these is the opportunity this gathering affords of renewing old friendships and of making new friends. The cultivation of a genius for friendship is one of the most pleasant and at the same time, one of the most profitable traits we can acquire. Many of us here know one another, yet there are those here to whom some of us are not known and whom others do not know. This meeting affords a wonderful opportunity for each of us to get a better understanding of the other fellow and usually in life, if we can only come to understand those we meet, appreciation, respect, and regard will follow as the night the day.

Also, you should welcome yourselves to the opportunity this meeting gives of working out some method by which the influence of each

member in this Association might be consolidated with that of every other member and brought to bear as a single compelling force for the accomplishment of such reforms and innovations in our scheme of things as will redound to the lasting good of our State and Nation.

In conclusion let me say that we are glad you have come to visit awhile with us. We hope your stay in our midst will be pleasant and profitable and that you will for years cherish happy thoughts of us and of our community. (Applause.)

THE PRESIDENT: The response to the address of welcome will be delivered by Hon. Stokes V. Robertson, a distinguished member of the bar of Jackson, Mississippi. Mr. Robertson.

MR. ROBERTSON: Mr. President, Mr. Engle, our hosts and hostesses of Natchez, ladies and gentlemen, Charley Engle gets on the truth just once in a while. He did not tell the truth when he said he handed me a copy of his manuscript; he did not tell the truth when he said that he had given me any time whatever. He has done just exactly what he does when he goes into a lawsuit with you: He hands you a pleading just as you get up and undertake to answer. I had not heard anything about it until he read it just now. I was tempted to read the thing, but I was talking to Dave Bramlette, and he took it out of my hand.

You know, on occasions like this, a fellow usually makes three or four speeches: that one he very carefully has written out at home and thinks he is going to deliver; second, the one he does actually deliver; third, the one he delivers going down the stairs to himself and wishes to God he had made (applause), and that one, that splendid speech, he tells his wife and children he has made when he gets home. We are not going to have that speech this morning—I brought my wife and children with me, and so I could not get by with that.

Why do we have responses to addresses of welcome? Usually, as in this case, the welcomer covers the entire subject. Charlie Engle, with the rare gift peculiarly his own, has led us through the splendid history of our host city; has told of its beauties, its legends, its traditions, its glorious future, its pulsing present, and its magnificent past.

Answering, we say we might admit every allegation.

He hasn't stopped there; he has painted in glowing—and we, with becoming modesty, I hope, agree—in truthful terms and colors the guests who through no choice of their own, but by appointment of his Honor, the President, are my clients.

Why then a response to the address of welcome?

Why any responses to any addresses of welcome?

Well, here's why:

Our statutes say, and our Judges maintain, that no proceeding shall be begun without process. The Constitution of our State requires that all process begin "The State of Mississippi," so then the eloquent and cordial invitations extended to us at Hattiesburg, for, and on behalf of Natchez, by Beekman, Laub, Marion Reiley, and Dave Bramlette; and the splendid address of welcome from Charlie

Engle, must all, I submit, be considered The City of Natchez *to* the State of Mississippi, the City of Natchez to the State of Mississippi Bar. Major Wells advises that to make the opening of this meeting proper, legal, and complete, there must be something styled, "The State of Mississippi to the people of Natchez," and that it must be served. This process has been placed in my hands. I must serve it, and you people of beautiful, historic, Natchez must, under penalty of violating illustrious precedent, and under penalty of violating your far-famed reputation for hospitality, permit—with such patient forbearance as you can—the service of the process.

There is a girl in the audience who has not gotten beyond having birthdays. A short time ago, when she was four or five years old, her mother gave her a birthday party. I can see her now, busy as a switch engine, running to meet each arriving guest with a greeting in the shape of a direct interrogatory; in fact, a bill for discovery, maybe a fishing bill, to-wit:

"What did you bring me?"

Natchez people are far too polite, too well-bred, too hospitable to greet us with that question, but even though you do not ask it, I think I see behind your aristocratic, well controlled faces some such question; and we are glad to answer it.

We bring you a big, full representation from the thirteen hundred and fifty members of the Mississippi Bar. These are fair representatives of that profession which throughout the ages has made good governments and reformed them when they have grown bad; a profession which has been in the forefront of every movement for good in every nation, in every age. General allegations you say? Well, we are prepared to plead specifically, to file bills of particulars and support them all with exhibits.

My clients, your guests, are before and among you. We are proud of our exhibits—aren't you? Isn't it a distinguished looking bunch? Aren't you glad that you invited them, glad they accepted, glad they came?

Here on the stage are fair samples of the crowd out there, out in the lobby, on the streets, and back at home. Here you see our past Presidents wearing with becoming courtly dignity the honors so worthily bestowed upon them by their fellows in past years. With them you see their fair companions who have made their success possible; companions who have consoled them when judge or jury went haywire; companions who have listened—oh with what Christian fortitude—to their stories of what *I did* and what *I said* when they have won a case that nobody could lose.

These boys up here are fair samples, I say, of the greying templed, bespectacled ones who, hiding their ennui, appear so interested in these proceedings out in the audience.

Then, too, you girls of Natchez draw near, for we have brought you something (excuse me I mean somebody) too. There they are, young fellows fresh from school; buoyant with youth; thoroughly trained; forensically and argumentatively inclined, steeped with legal

lore, traditions, ethics, and precedents; ready to handle all the *big* cases; full of what the young preacher said he was full of: "veal and zigor." Serious minded, they can laugh nevertheless. They will laugh with you, or at you. In fact, if you know what I mean, they will laugh right in your face if you don't mind. But as Oliver Wendell Holmes said, introducing the author of America to a Harvard Class re-union:

"You see that boy laughing,
You think he's full of fun,
But the angels laugh too
At the good he has done."

Just watch them. You will laugh too at the good they will do.

Yes, we bring you much. Your lives will be richer, better from having these lawyers with you for a brief session. It just makes you feel secure anyhow to have a lot of lawyers handy. For in times like this you just don't know what you might do.

Seriously, we do not feel that we have brought you anything when compared with what *you* shall give to us. As we view the sunken roads and see the sea shells forming layers of your bluff formation soil and realize that the ceaseless tide of ocean waves once swept over the ground on which we stand, we prohibitionists will not blame you so much for what you do, for we know you had too much water once.

As we visit your sacred shrines, the resting places of your distinguished, dead lawyers, judges, statesmen, under the solemn cypress and mournful ivy; as we see the moss covered, spreading branches of your century old oaks and reflect that their growth has been slow and sure, ring on ring, line on line, we still stand with uncovered heads and whisper, *"Stare decisis!"* and resolve to cling to and uphold honorable precedents.

As we view the Father of Waters on his march from Lake Itasca to the sea; see him deep and wide following his well defined channel, refusing to be lead off in small and trifling ways, we will recognize a perfect illustration of, and increase our respect for, the majesty of the law; and we will understand better than before *De minimis non curat lex.*

And when last, but not least, as pilgrims willingly guided by you, we visit those grand old ante-bellum homes, sniff the perfume of rare voluptuous flowers, marvel at tapestries, four posters, mirrors, and murals from old masters, we will kiss the dainty hand of her who—with powdered curls and beauty spots, with hoopskirts of crinoline, lavendar, and lace, seeming to step from a page of Stark Young's *So Red the Rose*—comes to make real the welcome voiced by Charley Engle. We may momentarily lose our dignity and poise. Don't be surprised if, like Wm. J. Bryan's country boy in love, we throw our hats in the air and yell,

"We ain't got nothin' agin nobody!"

Well, anyway, I just know when the gavel falls with sine die adjournment, and auto and train and plane bear the bipeds we call

barristers back to credulous clients and incredulous creditors, many of the old ones, and all the young ones, will be saying:

It is not the girl from England's shores,
Nor the girl from gay Paree;
Nor is it the girl from the Soviet domain;
Nor the girl from the East you see;
But it is the girl from Dixieland,
The land of the brave and free;
The Natchez girl I have learned to love:
That is the girl for me! (Applause)

THE PRESIDENT: We have with us this morning, also, one of the most distinguished members of the Mississippi bar, who is the president of the Adams county bar association. I am going to present him to you and ask him to say a few words to you, Hon. W. C. Martin. (Applause.)

MR. MARTIN: Members of the Bar of the State of Mississippi, ladies and gentlemen, this is an honor I did not expect when I came up here today. The only thing I can say is I am so glad to see so many of you here, and I trust that this meeting will be a very successful one, and will make for the upbuilding of law and order, decency and right living in the state of Mississippi. I thank you. (Applause.)

THE PRESIDENT: Ladies and gentlemen, I cannot refrain, before going further with the program, from an expression of sentiment with reference to this truth and veracity proposition. I am very fearful that if the Clarion Ledger has Charlie Engle as a reverend, it has forever lost its reputation for truth and veracity.

Furthermore, I want to say that it is a fact that when we went to arrange the entertainment here, I had the temerity to suggest that we have a hog-calling contest, and nominated Earl Brewer, Marion Reiley, and Chancellor Amis as principal contestants. Chancellor Amis won a hog-calling contest eighty-two years ago last May. Do you know the blue bloods down at Natchez turned thumbs down on that; they would not care, they said, to hear Marion Reiley calling hogs.

Now, ladies and gentlemen, we come to the President's address. I belong to the Association of Life Insurance Counsel. They met in New York several years ago. Joe Conwell of the Penn Mutual Life Insurance Company, the bad boy of the Association, was there. A distinguished member of that Association had a paper just about that size (indicating the President's address). It was not bradded together, and as he read and finished a page, he put that page at the back, whereupon the irrepressible Conwell said, "Please, please, when you have read a page, lay it down on the table so we will know how far you have gotten and how much further you have to go." If you are commiserating with yourself having to listen to only a part of this paper, just think how much of a burden it was on the man who had to write it.

This is a summary of the Acts of Congress passed by the last session of Congress. I am not going to read it all. I am going to skip a considerable portion. Furthermore, I am going to give the

right to the incoming President and Secretary to eliminate any part of it that they see fit. We cannot fill up the whole Mississippi Law Journal with this summary of the Acts of Congress.

As you know, it has been the custom in the past, though not now required either by the act of the Legislature creating the Mississippi State Bar or by its by-laws, for the retiring President to prepare a review or summary of the principal acts of the Legislature of the State of Mississippi and of the Congress of the United States for the year preceding the annual meeting of the Mississippi State Bar.

The Legislature of the State of Mississippi has not been in session since the last annual convention of our Bar Association. However, the Congress of the United States has been in almost continuous session, having sat a period of two hundred and thirty-five days, during which time it enacted a wide range of important legislation.

This address, then, will consist of a summary of the principal acts of Congress of the session which has just closed. A review of these acts will show the trend of the National Government during this period of change and, we hope, of progress.

It is said that Chief Justice Marshall, by his far-reaching decisions, made a living, breathing, strong, vigorous body out of, and builded upon, the skeleton of the Constitution. At that time, his decisions were considered revolutionary and as giving and granting to the National Government powers far beyond those thought to be, or intended to be, conferred in the Constitution by the makers thereof.

During this recent period, however, it has been the legislative branch of the Government, controlled, directed, and spurred on by the Chief Executive of the Nation, which has greatly, and, to some minds, revolutionarily attempted to extend the powers of the Federal Government. Now, the limitations of the extension of that power are being made by the Supreme Court of the United States, and the extent to which powers of the National Government will be assumed and exercised by the legislative and executive branches will only be limited by the Constitutional inhibitions and constructions of that instrument as laid down by that Court of last resort. Apparently, the liberty and freedom of the citizens of the United States of America are going to be preserved and guarded by the judicial branch of the Government, as against what appears to many to be encroachments on the powers of the States and of the citizens themselves by the executive and legislative branches of the National Government.

In view of the tyranny and dictatorships now prevailing in a large part of the civilized world, it appears to me that it behooves us, as ministers of justice and as citizens who love liberty, to see to it that we, as members of the Bar of Mississippi, instead of criticising the holdings of the Supreme Court of the United States, should hail these decisions as guardian angels of our liberty.

It would extend this address far beyond the bounds of reason to undertake herein to analyze the decisions of the Supreme Court of the United States during the past year. It appears to me, however,

that an analysis of the principal acts of Congress during the session which has just closed would be of value to the members of the Bar Association. I shall, therefore, hereinafter limit this address to a summary of such acts of Congress, taking up such acts in alphabetical order of the topics with which such acts concern themselves.

AGRICULTURE

The AAA Amendment Act

The AAA Amendment Act was approved August 24, 1935. It is designed to bring the farm program within the limits of constitutionality and to add to its effectiveness in raising farm purchasing power to the level set by Congress. The act makes no radical change on the program, but includes many provisions for strengthening and clarifying its operation.

The act covers the question of constitutionality in three general provisions: (1) It seeks to plug every loophole against the charge of undue delegation of powers by Congress by spelling out in detail what shall be done and what cannot be done at every step of the AAA program; (2) It confines the program strictly to interstate and foreign commerce, as that term has been defined in decisions of the Supreme Court, in an effort to obviate any charge of invading the field that belongs to the States and at the same time makes provision for dovetailing Federal and State agricultural programs; (3) It ratifies and confirms all past AAA acts prior to the adoption of the amendments carried in this new act, including adjustment contracts with farmers, taxes, benefit payments, marketing agreements and licenses to handlers of farm products.

The act allows the institution of suits to recover processing taxes, but only after a claim has been presented to the Commissioner of Internal Revenue, with evidence that no part of the tax has been passed on to the consumer or back to the producer. It prohibits injunction suits to stop the collection of a tax, in order to prevent tying up the farm program. It allows the taxpayer to obtain redress, if entitled to it, after he has paid his tax, by filing a claim refund.

The act contains a new clause designed for the protection of consumers, making it clear that no steps can be taken to maintain prices above what is termed fair exchange value.

It authorizes the "Ever-Normal Granary Plan," a method for keeping supplies of non-perishable crops stored on the farm as insurance against a shortage or violent price fluctuations.

It provides for control by quota of imported products when they enter in such quantities as to threaten the price structure of American-grown products.

It allows the use of 30 per cent of receipts from import duties (about $92,000,000 this year) to subsidize the exports of farm products, with the exception of raw cotton, or to increase the returns of producers on the part of the crop consumed in this country.

It strengthens the marketing agreement method for producers of milk, fruits, vegetables, soy beans, pecans, walnuts, tobacco, and naval

stores. Licensing handlers as a means for enforcing marketing agreements is done away with. Instead, marketing agreements are to be enforced by administrative "orders," but these cannot apply to apples or to fruits and vegetables for canning, except olives and asparagus.

It authorizes a farm-adjustment program for potato growers.

It makes $10,000,000, in addition to present funds available, to eliminate diseased cattle.

It appropriates funds from the $4,000,000,000 work relief fund to carry out existing options for the purchase of submarginal land.

It eliminates price-fixing for all commodities except milk.

It extends for another year the Smith-Kerr Tobacco Control Act and the Bankhead Cotton Control Act.

The Farm Credit Act of 1935

This act was approved June 3, 1935. It amends the Emergency Farm Mortgage Act of 1933, the Federal Farm Loan Act, the Agricultural Marketing Act, and the Farm Credit Act of 1933.

It permits Land Bank Commissioners to make loans secured by first or second liens on real property with maturities up to forty-three years.

It enlarges the purposes for which Land Bank Commissioners may make loans to include all those for which the Federal land banks are authorized to make loans.

It makes the definition of the term "farmer" in the Emergency Farm Mortgage Act of 1933 identical with the term "farmer" as defined in the amended Federal Farm Loan Act.

This act extends until February 1, 1940, the time within which loans can be made by the Land Bank Commissioner; removes the present limitation ($600,000,000) on the amount of bonds of the Federal Farm Mortgage Corporation which may be used in making such loans; and permits such loans to be made in consolidated farm-loan bonds, if acceptable to the borrower.

It reduces the interest rate paid by Federal Land Bank borrowers whose loans were obtained through national farm-loan associations or were outstanding on May 12, 1933, to a maximum of 3½% per annum for all interest payable on installment dates occurring within a period of one year beginning July 1, 1935, and to a maximum of 4% per annum for all interest payable on installment dates occurring within a period of two years commencing July 1, 1936.

It authorizes Federal intermediate credit banks to discount paper for banks for co-operatives and to make loans to such banks.

It permits the issuance of consolidated debentures by Federal intermediate credit banks, following substantially the same procedure as that followed by the Federal Land Banks in the issue of their consolidated bonds.

It provides that the rate of interest on any loan made by the Governor of the Farm Credit Administration or a bank for co-operatives to any co-operative association on the security of commodities shall conform, as nearly as practicable, to the prevailing

interest rate of commodity loans charged borrowers from the Federal intermediate credit bank of the district in which the principal office of the association is located.

Further, it extends for an additional period of two years the authority of the Land Bank Commissioner, under Section 30 of the Emergency Farm Mortgage Act of 1933, to make loans to joint stock land banks in order to further their orderly liquidation.

The Tobacco Inspection Act

The Tobacco Inspection Act was approved August 23, 1935. It seeks to establish and promote the use of standards of classification for tobacco and provide and maintain an official tobacco inspection service.

It authorizes the Secretary of Agriculture to investigate the marketing of tobacco and establish official standards for its grading; to demonstrate the official standards and prepare and distribute samples of these grades at reasonable charges for such service.

It empowers the Secretary of Agriculture to designate those auction markets where tobacco moves in commerce, but provides that before taking such action he shall determine the wishes of tobacco growers, who must approve such action by two-thirds majority of those voting on the question. At markets so designated, after not less than thirty days' public notice, no tobacco may be offered for sale until graded by an authorized representative of the Secretary.

It provides that the Secretary of Agriculture shall order such reinspection, or appeal inspection, of tobacco as he may deem necessary for confirmation or reversal of certificates issued under the Act.

It authorizes the Secretary to collect, publish, and distribute, by telegraph, mail, or otherwise, without cost to the grower, timely information on the market supply and demand, location, disposition, quality, condition, and market prices of tobacco.

The Farm Research Act

This act was approved June 29, 1935. It directs the Secretary of Agriculture to conduct research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to improvement of the quality of, and the development of new and improved methods of production, distribution, and new and extended uses and markets for agricultural commodities and by-products, and also research relating to the conservation, development, and use of land and water resources for agricultural purposes.

It appropriates for this purpose $1,000,000 annually for five fiscal years, beginning July 1, 1935, and $5,000,000 for each fiscal year after July 1, 1940.

It provides for further development of the co-operative extension system by appropriating $8,000,000 for such extension work in agriculture and home economics for the fiscal year 1936, and for each succeeding fiscal year, $1,000,000 additional until the total ap-

propriations shall amount to $12,000,000 annually, the appropriation to continue in the latter amount for each succeeding year.

AIRMAIL

The Airmail Act of 1935

This act was approved August 14, 1935. It amends Section 3 (a) of the Air Mail Act of June 12, 1934, so as to authorize the Postmaster General to make the initial period of contracts for carrying mail three years instead of one year.

It permits the Postmaster General to grant extensions of any route, provided that the aggregate mileage of all such extensions on any route in effect at one time shall not exceed two hundred and fifty miles.

It authorizes "at least three" trans-continental, primary routes, instead of four, repeals the requirement that the coastal routes be designated as primary routes, and provides that no route of less than seven hundred and fifty miles shall be designated as a primary route.

It fixes a route mileage limit of 32,000 miles in lieu of the present limit of 29,000 miles, and an annual aggregate of 45,000,000 airplane miles in lieu of the present maximum of 40,000,000, and authorizes the Postmaster General to prescribe schedules and to utilize passenger or express flights of the contractor whenever the needs of the air mail service may so require.

It amends Section 6 (a) of the Air Mail Act of 1934 so as to direct the Interstate Commerce Commission to determine fair and reasonable rates of compensation for carrying air mail, but continues in effect the maximum rates of the Air Mail Act of 1934 and repeals so much of sub-section (g) of Section 3 of that act as is in conflict with Section 6 (a), as amended.

It places the burden of establishing the insufficiency of existing rates upon the contractor, provides that the commission may cancel a contract, and permits a contractor to terminate his contract for cause upon sixty days' notice.

It directs the Interstate Commerce Commission, in determining rates of compensation, to disregard any losses resulting from unprofitable operations of non-mail schedules of the contractor, and provides that the rates fixed by the commission shall not exceed the limits prescribed in Section 3 (a) of the Air Mail Act of 1934.

It requires the commission to report to Congress not later than January 15, 1936, with respect to contracts on routes numbered seven, twelve, thirteen, fourteen, nineteen, twenty-five, twenty-seven, and thirty-two, whether fair and reasonable rates would be in excess of thirty-three and one-third cents a mile.

It amends Section 13 of the Air Mail Act of 1934 so as to continue in effect decisions of the National Labor Board, or its successor in authority, notwithstanding the fact that such decisions by their own terms may have no force by reason of lapse of time.

The Airmail Contract Act

This act was approved February 21, 1935. It postpones from March 1, 1935, to April 1, 1936, the provision of Section 15 of the Air Mail Act of June 12, 1934, that no contract for any primary airmail route should be awarded to or extended for a contractor already holding contract for one primary route.

It makes no other change of any kind in the legislation previously enacted governing the carriage of air mail, but obviates the letting of new contracts for a brief period, pending action by Congress on the report of the commission which was authorized to report recommendations for a national aviation policy.

BANKING

The Banking Act of 1935

This act was approved August 23, 1935, and seeks to provide for "sound, effective, and uninterrupted operation of the banking system" through amendment of the Federal Reserve Act, reorganization of the Federal Reserve Board, and technical amendments of the banking laws, and by making Federal deposit insurance of bank deposits permanent.

It reorganizes the Federal Reserve Board into a seven-member board, all to be appointed by the President, and each to have the title of "Governor" and serve a fourteen-year term at $15,000 salary. It changes the name of the Federal Reserve Board to the "Board of Governors of the Federal Reserve System." The Secretary of the Treasury and the Comptroller of the Currency are eliminated from membership, ex officio, on the board after February 1, 1936. The entire reorganization of the board is to be effected by that date.

It creates a Federal Open Market Committee, effective March 1, 1936, which shall consist of the seven members of the Board of Governors of the Federal Reserve System and five representatives of the twelve regional Federal Reserve Banks, to be elected annually by designated regions, the committee to have power to control credit fluctuations by purchasing and selling government bonds, notes, or other obligations of the United States, on the open market, through the Reserve Banks. The Open Market Committee is to have charge of open market operations, and the Reserve Banks must act in accordance with its instructions.

It amends Section 14 of the Federal Reserve Act to make eligible for purchase by Federal Reserve Banks, without regard to maturities, direct obligations of the United States, or obligations fully guaranteed by the United States; but provides that such direct and guaranteed obligations may be purchased "only in the open market."

The act retains existing statutory requirements governing maintenance of reserves against deposits as a further check on the use of bank funds for speculation. It provides that, by a vote of not less than four of the seven members of the Board of Governors, the

present requirements of seven, ten, and thirteen per cent could be doubled, but not lowered.

It allows Reserve Banks to continue to propose changes in rediscount rates, subject to board approval, but requires such rates to be restated "every fourteen days, or oftener if deemed necessary by the board."

It authorizes the President to designate one of the seven Governors of the Federal Reserve System to act as its "chairman" and another to serve as "vice-chairman," each for four years; and gives the heads of the twelve Federal Reserve Banks the new title of "President," instead of "Governor," so as not to conflict with the new Reserve Board titles. The Presidents of the Federal Reserve Banks would be selected for five-year terms by the boards of directors of the banks, subject to approval by the Board of Governors of the Federal Reserve System.

It permits national banking associations to make real estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties, up to fifty per cent of the appraised value of the real estate offered as security, for a term of not over five years, except in cases of amortized loans, when sixty per cent may be loaned for a ten-year term. It forbids national banking associations to make such loans in an aggregate sum in excess of the capital and surplus of the bank, or in excess of sixty per cent of its time and savings deposits, whichever is the greater.

It broadens the eligibility requirements of paper upon which the Federal Reserve Banks may make loans.

It makes permanent the temporary law, expiring August 31, 1935, fully insuring bank deposits up to $5,000 for a depositor. It provides that the annual assessment on banks for insurance fund membership shall be one-twelfth of one per cent upon their average deposit liability.

It requires all state banks with deposits of $1,000,000 or more to join the Federal Reserve System by July 1, 1942, if they desire to continue to have their deposits insured.

It permits non-member banks to terminate their insured status within thirty days of effective date of the Banking Act of 1935 by giving written notice to the Federal Deposit Insurance Corporation.

It provides that the total amount of the securities of one issuer or obligor held by a national banking association for its own account shall not exceed ten per cent of the actually paid-in and unimpaired capital stock and surplus fund, except that this provision shall not apply to lawful holdings as of the effective date of the Banking Act of 1935.

It requires the Secretary of the Treasury, whenever in the judgment of the directors of the Federal Deposit Insurance Corporation additional funds are required for insurance purposes, to purchase obligations of the corporation in an additional amount not exceeding $250,000,000.

The Deposit Insurance Extension Act

This act was approved June 28, 1935. It extends for sixty days, or until August 31, 1935, the temporary plan for government insurance of bank deposits up to $5,000.

It provides that the deposits in banks which, on June 30, 1935, were members of the fund should continue to be insured during the extended period to August 31, 1935, without liability on the part of such banks to further calls or assessments.

BANKRUPTCY

The Livestock Bankruptcy Act

This act was approved May 15, 1935. It amends the National Bankruptcy Act of July 1, 1898, so as to permit livestock raisers to take advantage of that act.

It enlarges the definition of "farmer," which has been restricted by the courts in some instances to include not only individuals primarily bona fide engaged in producing products of the soil, but also those who are primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or in the production of poultry or livestock products in their unmanufactured state.

The Frazier-Lemke Farm Mortgage Act

This act was approved August 28, 1935. It amends Section 75 of the Bankruptcy Act of July 1, 1898, so as to permit farmers threatened with foreclosure, and unable to obtain relief through conciliation methods, to go into bankruptcy.

It provides, in a new subsection (a), written to conform to the Supreme Court's decision of last Spring holding the original five-year moratorium law invalid, that any farmer failing to obtain a composition or extension, or if he feels aggrieved by a composition or extension proposal, may ask to be adjudged a bankrupt. He may also ask the court that all his property, wherever located, be appraised, and that his exemptions, as prescribed by State law, be set aside to him, and that he be allowed to retain possession, under supervision and control of the court, of all the remainder of his property, including his encumbered exemptions under terms and conditions set forth in the new act.

It authorizes courts to stay all proceedings against such a farm debtor for three years, during which time the debtor shall be permitted to retain possession of "all or any part of his property, in the custody and under the supervision and control of the court, provided he pays a reasonable rental for that part of the property of which he retains possession." The rental would be paid into court to be used, first, for payment of taxes and upkeep, and the remainder to be distributed among the secured and unsecured creditors and applied on their claims.

It provides that at the end of three years, or prior thereto, the property having been appraised, the debtor could regain unencumbered

possession of it by paying into court "the amount of the appraisal of the property of which he retains possession, including the amount of encumbrances on his exemptions, up to the amount of the appraisal, less the amount paid on principal."

It directs that, upon request in writing by any secured creditor or creditors holding a lien on the property, the court shall order its sale at public auction. The debtor would be allowed 90 days in which to redeem any property sold at such a sale, by paying the amount for which the property is sold, with interest at five per cent, to the court, and he may then apply for his discharge from bankruptcy, as provided for in the act.

COMMUNICATIONS

The Telephone Inquiry Act

This act was approved March 15, 1935. It directs the Federal Communications Commission to investigate and report to Congress on the following matters with respect to the American Telephone and Telegraph Company and all other companies engaged directly or indirectly in telephone communication in interstate commerce, including all of their subsidiary, affiliated, associated, and holding companies in which any of them have any direct or indirect financial interest, or in which any of their officers or directors hold office or any control:

1. The corporate and financial history and the capital structure and relationship of such company and of its subsidiary, affiliated, associated, and holding companies, including the determination of whether such structure may enable them to evade State or Federal regulation or taxation or to conceal, pyramid, or absorb profits or to do any act contrary to the public interest.

2. The extent and character of inter-company service contracts and all transactions between telephone companies and their subsidiaries and holding companies, etc., and particularly between the A. T. and T. Company and the Western Electric Company and other manufacturers of electrical equipment.

3. The reasons for failure generally to reduce telephone rates and charges during years of declining prices.

4. The effect of monopolistic control upon reasonableness of rates.

5. The effect of mergers, consolidations, and acquisitions of control by telephone companies, including "write-ups" in purchase prices.

6. Methods of competition with other companies or industries.

7. Whether the companies, through propaganda or money expenditures, have sought to or actually do, control channels of publicity to control public opinion.

It makes $750,000 available for the inquiry.

CONSERVATION

The Soil Erosion Act

This act was approved April 27, 1935. It recognizes that, unless soil erosion can be controlled on farm, grazing, and forest lands, the prosperity of the United States cannot be permanently maintained; declares it to be the policy of Congress to provide permanently for the control and prevention of such erosion, and directs the Secretary of Agriculture to co-ordinate all Federal activities in that direction. It authorizes him to conduct soil erosion surveys, investigations, and research; to carry out preventive measures including engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land; to enter into agreements with, or to furnish financial aid to, any agency, governmental or otherwise, for the purposes of the act and to acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, wherever necessary to protect land resources against soil erosion.

It authorizes certain conditions to the extending of benefits under the act to lands not owned or controlled by the United States or any of its agencies.

It directs the Secretary of Agriculture to establish an agency to be known as the "Soil Conservation Service" to exercise the powers conferred by the act and authorizes the utilization of the Soil Erosion Service, making the latter's unexpended funds available until June 30, 1937.

CRIME

The Federal Marshals Act

This act was approved June 15, 1935. It amends and clarifies existing law by providing that United States marshals may serve process in any Federal judicial district.

It empowers Federal marshals and their deputies to make arrests without warrants for any offense against laws of the United States committed in their presence, also for any felony cognizable under Federal laws, where the felony has in fact been, or is being, committed and they have reasonable grounds to believe that the person to be arrested has committed or is committing it.

It provides Federal statutory authority for Federal marshals and their deputies to carry firearms.

The Prison Escape Act

This act was approved August 3, 1935. It amends the Federal Prisons Act of May 14, 1930, so as to make escape or attempted escape from custody under lawful arrest before conviction, a criminal offense. It provides that escape or attempted escape prior to conviction shall constitute a felony in case the custody is on a charge of felony, and in such case the penalty is imprisonment for not more than five years or a fine of not over $5,000, or both, in addition to any sentence imposed for the offense for which arrest was made

in the first instance. If the charge upon which the custody is founded is a misdemeanor only, the escape or attempted escape would constitute a misdemeanor, punishable by imprisonment of not more than one year or a fine of $1,000, or both.

The Poultry Racket Act

This act was approved August 14, 1935. It seeks to break up the "poultry racket" in New York and New Jersey, or elsewhere, which is interstate, by placing the live-poultry industry under the Packers and Stockyards Act and thereby undertaking to establish correct and reasonable charges for all services rendered at the unloading point in destination of shipment.

It adds a new Title V to the Packers and Stockyards Act, approved August 15, 1921, so as to bring the shipment of such poultry within the jurisdiction of the Secretary of Agriculture.

FINE ARTS

The National Theatre Act

This act was approved July 5, 1935. It provides for the incorporation by Congress of the American National Theatre and Academy, a non-profit corporation, without capital stock, to present theatrical productions of the highest type, advance public interest in the drama "as an art belonging both to the theatre and to literature and thereby to be enjoyed both on the stage and in the study."

It enumerates among its other purposes (1) the advancement of interest in the drama throughout the United States by furthering the production of "the best plays, interpreted by the best actors at a minimum cost"; (2) the further development of the study of the drama in universities, colleges, schools, and elsewhere; and (3) the sponsoring, encouraging, and development of the art and technique of the theatre through a school within the National Academy.

FOREIGN AFFAIRS

The Foreign Service Appointment Act

This act was approved June 29, 1935. It amends the Foreign Service Act of February 23, 1931, so as to restore the power of the President to appoint and promote Foreign Service officers subject to the action of the Senate at the session following such recess.

It provides that, if the Senate should reject or fail to confirm the promotion of a Foreign Service officer during the session following the date of such promotion, the Foreign Service officer shall automatically be reinstated in the position from which he was promoted, such reinstatement to be effective, in the event of rejection of the nomination, from the date of rejection, and, in the event of failure of the Senate to act on the nomination during a session following a promotion, from the termination of that session.

The Mexican Claims Act

This act was approved April 10th, 1935. It provides for the settlement of the special claims comprehended within the terms of the convention of April 24, 1934, between the United States and Mexico.

It creates a Special Mexican Claims Commission to examine and adjudicate all claims of the nationals of the United States comprehended within the terms of that convention, which, it will be recalled, provided for an en-bloc settlement of all claims of American nationals against the Government of Mexico.

The commission is required to complete its work within two years from the date on which it undertakes the performance of its duties.

GAME PROTECTION

The Game and Wild Life Act of 1935

This act was approved June 15, 1935. It amends the Migratory Bird Hunting Stamp Act of 1934 by liberalizing and simplifying the issuance of stamps by the Postoffice Department.

It amends the Lacey Act of 1900, which in large part was designed to aid the States by prohibiting shipment in interstate commerce of game and other wild life killed or shipped in violation of their laws, so that it will apply to present-day vehicles and methods of transportation such as the automobile and airplane.

It extends the operation of the Lacey Act to foreign commerce in game and wild life and puts "teeth" into that act, which made no provision for its enforcement, by imposing penalties for its violation.

It authorizes payment to the States of twenty-five per cent of any revenue that may be derived from wild life refuges and reservations administered by the Department of Agriculture.

It empowers the President to allocate out of the $4,880,000,000 appropriation made in the Work Relief Act of April 8, 1935, such sum as he may deem necessary or advisable for the acquisition of areas in carrying on the government's program of wild life restoration, rehabilitation, and protection.

FORESTS

The National Forests Contract Act

This act was approved April 17, 1935. It authorizes the Secretary of Agriculture to terminate contracts for the purchase of national-forest timber, made prior to June 30, 1934, without the collection of damages for failure on the part of the purchaser to cut all of the timber, except as the value of the remaining timber may have been reduced by the cutting and removal done by the purchaser.

It provides that all applications for action by the Secretary under authority of the act must be submitted before April 17, 1936.

HOUSING

The Home Mortgage Relief Act

This act was approved May 28, 1935. It liberalizes the Federal Home Loan Bank Act so as to facilitate the functioning of the Federal Home Loan Banks and enable their members to carry home mortgages over longer terms and on an easier basis. It extends the limitation of existing law with respect to the maturity of mortgages which may be accepted as collateral for advances by Federal Home Loan Banks from fifteen to twenty years and makes all home mortgages up to $20,000 in amount—instead of those on properties valued up to $20,000—eligible as such collateral.

It increases the borrowing power of the Home Owners' Loan Corporation from $3,000,000,000 to $4,750,000,000 to provide for applications already filed and for applicants who, in good faith, sought relief prior to the enactment of the new act or who filed their applications within thirty days thereafter.

It provides that for the purposes of the Home Owners' Loan Act of 1933, assessments levied upon real property by special districts organized in any State for public improvements should be treated as general-tax levies, leaving it to the Home Loan Bank Board to determine the reasonableness of the annual tax burden on property securing loans by the corporation.

It removes the prohibition against making a deduction from the loanable value of the property where the aggregate amount of the annual taxes, levies, and assessments does not exceed five per cent of the value of the property as determined by the appraisal.

It permits State-chartered institutions which are converted into Federal savings and loan associations to continue to make loans in the territory in which they made loans while operating under a State charter.

It authorizes the Home Owners' Loan Corporation to purchase: (1) Federal Home Loan Bank bonds, debentures, or notes (including consolidated bonds or debentures); (2) full-paid income shares of Federal savings and loan associations on the same terms and conditions and within the same limitations as in the case of purchases of such shares by the Secretary of the Treasury after the funds made available have been exhausted, and (3) shares in any institution which is a member of a Federal Home Loan Bank and whose accounts are insured under Title IV of the National Housing Act, if the institution is eligible for such insurance. The total amount available to the corporation under this section was fixed at $300,000,000.

It increases by $200,000 the amounts made available to the Federal Home Loan Bank Board for encouraging the promotion, organization, and development of Federal loans and savings associations.

It extends from January 1, 1936, to April 1, 1936, the time within which loans must be made in order to be eligible for insurance under Section 2 of the National Housing Act and makes loans up to $50,000

eligible for such insurance if made for the purpose of financing alterations, repairs, and improvements with respect to real property "improved by, or to be converted into apartment or multiple family houses, hotels, offices, business or other commercial buildings, hospitals, orphanages, colleges, schools, or manufacturing or industrial plants."

THE JUDICIARY

The Omnibus Judgeship Act

This act was approved August 15, 1935. It removes restrictions upon the filling of vacancies in fourteen existing temporary Federal district judgeships, and makes these judgeships permanent.

It authorizes the filling of any existing vacancy or any vacancy which may "occur at any time hereafter" in any of the following United States district judgeships: Two in the district of Massachusetts; two in the Southern District of New York; one each in the Northern District of Texas, Eastern District of New York, Western District of Pennsylvania, Eastern District of Michigan, Eastern District of Missouri, Western District of Missouri, Northern District of Ohio, Southern District of California, the District of Minnesota, and the District of Arizona.

LABOR

The Wagner-Connery Labor Relations Act

This act was approved July 5, 1935. It creates a permanent National Labor Relations Board of three members, appointed by the President with Senate consent, at $10,000 a year each, to promote equality of bargaining powers between employers and employees and to diminish the causes of labor disputes. This permanent board replaces the old, temporary National Labor Relations Board established under executive orders of President Roosevelt.

It declares collective bargaining to be a national policy.

It provides that employees "shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

It lays down five unfair labor practices by forbidding employers:

1. To interfere with, restrain, or coerce employees in the exercise of the "rights guaranteed" in the collective bargaining section (Section 7) of the act.

2. To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

3. To encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any term or condition of employment.

4. To discharge or otherwise discriminate against an employee for filing charges or giving testimony under the act.

5. To refuse to bargain collectively with the representatives of employees subject to the provisions of Section 9a of the act which provides for bargaining representatives chosen by a majority of such unit exclusively in bargaining on pay, wages, hours, and other conditions. A minority would be allowed to present "grievances."

It empowers the board to "decide in each case whether, in order to ensure to employees the full benefit of their right of self-organization and to collective bargaining, and otherwise effectuate the policies of the act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, plant unit, or any subdivision thereof."

It directs the board to "prevent any person from engaging" in any of the five enumerated unfair labor practices "affecting commerce," this power to be "exclusive" and not affected by any other means of adjustment or prevention that "has been or may be established by agreement, code, law, or otherwise."

It stipulates that nothing in the act shall be "construed so as to interfere with or impede or diminish in any way the right to strike."

The Employment Service Act

This act was approved May 10, 1935, and amends the so-called Wagner-Peyser act of June 6, 1933, so as to alter the amount apportioned to certain small States for public employment offices affiliated with the United States Employment Service.

It provides for an apportionment of not less than $10,000 to each State for its assistance in the establishment of local employment offices. Under the Wagner-Peyser act the appropriation of $3,000,000 annually until June 30, 1938, was to be apportioned among the small States in the proportion of their population to the total population of the nation. By strict application of this rule four small States—Delaware, Nevada, Vermont, and Wyoming—receive less than $10,000 each.

The Guffey-Snyder Coal Act

This act was approved August 30, 1935. It seeks to stabilize the bituminous coal-mining industry and promote its interstate commerce.

It recognizes and declares that the mining and distribution of bituminous coal are "affected with a national public interest" and that the general welfare of the nation "requires" that the industry be regulated as provided in the act.

It establishes in the Interior Department a National Bituminous Coal Commission of five members, appointed by the President, at annual salaries of $10,000 each, to administer the act.

It sets up in the Interior Department the office of Consumers' Counsel, in charge of a $10,000-a-year counsel, appointed by the President, to appear "in the interest of the consuming public" in

any proceeding before the commission, and also to conduct independent investigation of matters relative to the soft coal industry.

It imposes upon the sale or other disposal of all bituminous coal produced in the United States a punitive excise tax of fifteen per cent on the sale price at the mine, to be payable to the United States by producers of such coal. Coal producers who file with the National Bituminous Coal Commission their acceptance of the Bituminous Coal Code provided for in the act are to be entitled to a drawback in the form of a credit upon the amount of such tax, equivalent to ninety per cent of the tax.

It directs the commission to formulate a Bituminous Coal Code, which shall contain certain mandatory conditions, provisions, and obligations set forth in the act.

It provides for the organization of twenty-three district boards of coal producers, each district consisting of not less than three nor more than seventeen members; permits the establishment or maintenance of marketing agencies within any district by a voluntary association of producers within any producing field in such district, and vests district boards and marketing agencies with power to adopt rules of procedure, subject to approval of the commission.

It authorizes the district boards, on their own motion, or when directed by the commission, to establish minimum prices on coal produced in a district; to make such classification of coal and price variations as to mines and consuming market areas as the boards may deem necessary and proper, and, in order to sustain the stabilization of wages, working conditions, and maximum hours of labor, the act directs that these prices shall be established so as to yield a return per net ton for each district in a minimum price area equal, as nearly as possible, to the weighted average of the total costs, per net ton, of the tonnage of such minimum price area.

It re-enacts and makes applicable to the bituminous coal industry the provisions of Section 7a of the National Recovery Act giving to labor the "right to organize and bargain collectively through representatives of their own choosing" free from interference, restraint, or coercion of employers.

It creates a Bituminous Coal Labor Board of three members, appointed by the President, at $10,000 annual salary each, to see that the labor relations provisions of the act are carried out, adjudicate disputes, and act as mediator in any dispute between a producer and its employees "where such dispute is not determined by the tribunal set up in a bona fide collective contract."

LIQUOR

The Federal Alcohol Control Act

This act was approved August 29, 1935. It creates a Federal Alcohol Administration as a division in the Treasury to exercise control over the liquor traffic. This Administration is to be headed by an Administrator, appointed by the President, at $10,000 a year salary. The Administrator, without regard to the civil service laws

and the Classification Act of 1923, would appoint and fix the duties of his officers and employees, subject to approval by the Secretary of the Treasury.

It makes it unlawful, except pursuant to a basic permit issued under this Act by the Administrator, to engage in the business of importing liquor, wine, or malt beverages, or to sell or ship liquor so imported. This provision becomes effective sixty days after the Administrator takes office.

It makes it unlawful, except pursuant to a basic permit, to engage in distilling liquor, producing wine, rectifying or blending distilled spirits or wine, or to bottle or warehouse distilled spirits, or to sell or ship the same, also effective sixty days after the Administrator takes office.

It makes it unlawful, effective March 1, 1936, to engage in the business of purchasing for resale at wholesale, distilled spirits, wine, or malt beverages, except under a basic permit.

It stipulates that basic permits shall be given (1) to any person who on May 25, 1935, held a basic permit as distiller, rectifier, wine producer or importer issued by a Federal agency, and (2) any other person unless the Administrator finds that such person does not fall within definitions in the Act.

It directs that all basic permits shall be conditioned upon compliance with the requirements of Section 5 (relating to unfair competition and unlawful practices); of Section 6 (relating to bulk sales and bottling; of the Twenty-first Amendment and relating to its enforcement, and of all other Federal laws relating to distilled spirits, wine, and malt beverages, including taxes respecting them.

It makes it unlawful for any distiller, brewer, rectifier, blender, or other producer to indulge in various kinds of unfair competition and unlawful practices specifically forbidden by Section 5 of the Act. These practices relate to "exclusive outlets," commercial bribery, consignment sales, labeling, advertising, and other matters.

It provides that it shall be unlawful for any person to sell or "otherwise dispose of distilled spirits in bulk except under regulations of the Administrator for export, or to import, distilled spirits in bulk except, under such regulations, for sale or use by the following: A distiller, rectifier of distilled spirits, person operating a bonded warehouse qualified under the Internal Revenue Laws, or a Class 8 bonded warehouse qualified under the Customs Laws, a wine maker for the fortification of wines, a proprietor of an industrial alcohol plant, or an agency of the United States or any State or political subdivision thereof."

It defines the term "in bulk" to mean containers having a capacity in excess of one wine gallon.

It abolishes the temporary Federal Alcohol Control Administration which President Roosevelt established under the provisions of Title I of the National Industrial Recovery Act. This becomes effective when the new Administrator takes office.

MISCELLANEOUS

The Federal Register Act

This act was approved July 26, 1935. It provides for the custody in the National Archives Establishment of Federal proclamations, orders, regulations, notices, and other documents and their prompt printing and distribution by the Public Printer in a new Federal serial publication to be known as the Federal Register.

It directs that there be published in this new daily Register (1) all Presidential proclamations and executive orders except such as have "no general applicability and legal effects," (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect, and (3) such classes of documents as may be required to be published by act of Congress. It stipulates that, for purposes of the act, "every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect," and that no document required to be published in the Register "shall be valid against any person who has not had actual knowledge thereof" until duplicate originals or certified copies have been filed in the National Archives Establishment and opened to public inspection.

The Central Statistical Act

This act was approved July 25, 1935. It provides for the creation of a Central Statistical Board to plan and promote the improvement, development, and co-ordination of, and the elimination of duplication in, statistical services carried on, by, or subject to the supervision of the Federal Government, and, "so far as may be practicable, of other statistical services in the United States."

It creates a Central Statistical Committee consisting of the Secretaries of the Treasury, Agriculture, Commerce, and Labor. The board is to report to this committee, would perform such duties as the President or the committee may authorize, and make such reports as the committee may require.

MONETARY

The Gold Clause Act

This act was approved August 27, 1935. It provides that lawful holders of coins and currencies of the United States shall be entitled to exchange them, dollar for dollar, for other coins or currencies "which may be lawfully acquired and are legal tender for public and private debts." It permits the owners of the gold clause securities of the United States, at their election, to receive "immediate payment of the stated dollar amount thereof with interest to the date of payment or to prior maturity or to prior redemption date, whichever is earlier."

It directs the Secretary of the Treasury to make such exchanges and payments upon presentation in accordance with the act and in the manner provided in regulation prescribed by him.

It stipulates that the period within which the owners of gold-clause securities shall be entitled to receive payment prior to maturity shall expire January 1, 1936, or on such later date, not after July 1, 1936, as may be fixed by the Secretary of the Treasury.

It withdraws any consent which the United States may have given to the assertion against it of any right, privilege, or power, whether by way of suit, counter-claim, set-off, recoupment, or other affirmative action or defense in its own name, or in the name of any of its officers or instrumentalities in any proceeding (1) upon any gold-clause securities of the United States or for interest thereon, or (2) upon any coin or currency of the United States, or (3) upon any claim or demand arising out of any surrender, seizure or acquisition of any such coin or currency or of any gold or silver and "involving the effect or validity of any change in the metallic content of the dollar or other regulation of the value of money."

NATIONAL DEFENSE

The War Department Supply Act

This act was approved April 9, 1935. It appropriates $401,998,170 for all activities under control of the War Department, of which $341,348,204 is for military purposes which are chargeable to the national defense, and $60,649,966 for non-military activities including the Panama Canal, river and harbor work, and flood-control projects.

It raises the average enlisted strength of the army from 117,750 to 165,000 men, the increase of 46,250 enlisted men extending to all branches.

It grants the Army Air Corps $45,383,400, an increase of $17,-986,947 over the total for the current fiscal year, of which $19,138,000 is immediately available for production or purchase of new airplanes, their equipment, and accessories, and $2,500,000 for procurement of spare engines and parts for airplanes and engines; and, in addition, authorizes the making of contracts for $7,686,753 for equipment, spare parts, and accessories for planes.

It makes a direct appropriation of $500,000 for increasing the enlisted strength of the National Guard by 5,000 men, and appropriates $4,452,304 for the Reserve Officers Training Corps; $2,-000,000 for training about 30,000 in citizens' military training camps, and $6,372,178 for the organized reserves.

The Wilcox Air Base Act

This act was approved August 12, 1935. It authorizes and directs the Secretary of War to determine in all strategic areas of the United States, including Alaska and overseas possessions and holdings, the location of such additional permanent Air Corps stations and depots as he deems essential for the effective peace-time training of the General Headquarters Air Force and the Air Corps components of overseas garrisons.

It directs that, in determining the locations of the new primary air base, consideration be given to the location of bases as follows: 1. The Atlantic Northeast—to provide for training in cold weather and fog. 2. The Atlantic Seacoast and Caribbean areas—to permit training in long-range operations, especially those incident to reinforcing the Panama Canal. 3. The Southeastern States—to provide a depot essential to the maintenance of the "GHQ" Air Force. 4. The Pacific Northwest—to establish and maintain air communications with Alaska. 5. Alaska—for training under conditions of extreme cold. 6. The Rocky Mountain area—to provide a depot essential to the maintenance of the General Headquarters Air Force and afford opportunity for training in operations from field at high altitudes. 7. Such intermediate stations as will provide for transcontinental movements incident to the concentration of the "GHQ" for manoeuvres.

It authorizes the appropriation of such money as may be necessary for the purposes of the act.

The Army Promotion Act

This act was approved July 31, 1935. It relieves the promotion stagnation situation in the regular army, which, if no relief had been afforded, would have had a serious effect on its morale and efficiency.

It provides for automatic promotion, effective August 1, 1935, for 4,918 officers of the 10,640 on the army list eligible for promotion, and benefits all others by acceleration of promotions.

It stipulates that the authorized number of promotion-list officers in the grade of colonel shall be six per cent, the number in the grade of lieutenant colonel nine per cent, and the number in the grade of major twenty-five per cent of the aggregate number of promotion-list officers authorized by law.

It creates 158 new colonels, 364 new lieutenant colonels, and 890 new majors, but does not increase the number of general officers and affords no promotion for colonels, the main promotion relief being in behalf of World War officers in the socalled "hump" and of lieutenants who followed, and were blocked by the "hump."

It provides automatic promotion of second lieutenants after three years' service and of first lieutenants after ten years' service, to relieve their stagnated situation and bring them into higher grades more appropriate to their age and service.

It permits any officer on the active list of the regular army or Philippine Scouts who, on August 1, 1935, has completed not less than fifteen nor more than twenty-nine years service, to be retired, upon his own application, in the discretion of the President, with annual pay equal to the product of 2½ per cent of his active duty annual pay at the time of his retirement, multiplied by a number equal to the years of his active service not in excess of twenty-nine years.

The West Point Cadet Act

This act was approved June 7, 1935. It increases the number of cadets at the Military Academy by providing an additional cadet for each Senator, Representative, Delegate in Congress, and the Resident Commissioner of Puerto Rico.

It provides that one cadet also shall be selected by the Governor of the Panama Canal Zone from among the sons of civilians of that zone and the Panama Railroad.

It allows the appointment of one hundred and thirty-two cadets from the United States at large, eighty-nine of whom shall be selected by the President, three by the Vice President, and forty on the recommendation of the academic authorities of the "honor schools" designated by the War Department.

The National Guard Officers' Act

This act was approved June 19, 1935. It gives the President the right to order officers of the National Guard of the United States to active duty in an emergency "at any time and for the period thereof," provided that, except in time of a national emergency expressly declared by Congress, no officer of the National Guard shall be employed on active duty for more than fifteen days in any calendar year, without his consent.

It increases the number of junior officers in order to make it possible that the most capable young men may be retained as commissioned officers.

It creates an inactive reserve, and enables the National Guard to have some connection with those officers who do not wish to remain as active officers.

The Naval Supply Act

This act was approved June 24, 1935. It carried $458,684,379 in direct appropriations for the naval establishment and reappropriates enough money to bring the total to $466,184,379.

It appropriates $126,795,000 for new warships, including those already under construction, including sufficient funds for the initial year's work on twenty-four vessels in the current year's building program. The latter includes a $27,895,000 aircraft carrier, two $19,150,000 light cruisers, fifteen destroyers, and six submarines.

It grants an appropriation of $26,515,660 for new airplanes and, in addition, authorizes the Navy Department to enter into contracts for $6,000,000 worth of planes to be appropriated for later.

It provides for an increase of 11,000 enlisted men, bringing the authorized enlisted strength to 93,500 men.

It increases the allowance for the Naval Academy so as to permit the appointment of four midshipmen, instead of three, by each member of Congress.

It reopens the Great Lakes Naval Training Station and also the Newport, R. I., Training Station.

The Naval Line-Officer Act

This act was approved July 22, 1935, and proposes to build up the line officer strength of the navy to meet the essential demands of the treaty navy now authorized and in the process of construction.

It provides that the authorized line-officer strength on the active list of the navy shall be 4-3/4 per cent of the number of enlisted men, which will give an authorized officer strength of 6,531 instead of 5,499 officers.

It stipulates that the percentage distribution in grades shall continue in accordance with existing law, but with a numerical limitation in time of peace on the number of rear admirals, captains, and commanders, and with the excess to be carried in the grade of lieutenant commander.

The Naval Staff Corps Act

This act was approved August 5, 1935. It provides for promotion by selection in the staff corps of the navy to the ranks of lieutenant commander and lieutenant, following the principle of legislation enacted during the Seventy-third Congress for line officers of the navy.

It eliminates by retirement, under conditions similar to those now in effect for officers of the line, staff officers in the ranks of lieutenant junior grade, lieutenant, lieutenant commander, and commander who failed to be selected for promotion.

It promotes a sufficient number of staff officers to the ranks of captain and commander to get them into step with their line contemporaries, which was the intention of the act of June 10, 1926, providing for equalization of promotion of staff and line officers, but which was not accomplished on account of legal interpretation of the latter act.

The Naval Aviation Cadet Act

This act was approved July 15, 1935. It creates the grade of aviation cadet in the Naval Reserves and Marine Corps Reserve.

It empowers the Secretary of the Navy to appoint aviation cadets from "male citizens of the United States" to serve on active duty for a period of four years, unless sooner released. At the completion of their active duty, they would be eligible for commission in the Naval or Marine Corps Reserve.

It provides for pay of aviation cadets while on active duty undergoing training at the rate of $75 a month, including extra pay for flying risk, as provided by law; and at $125 a month while on active duty not undergoing training.

The Naval Public Works Act

This act was approved April 15, 1935. It authorizes the Secretary of the Navy to proceed with the construction of public-works projects at various naval shore stations to cost $38,098,000, including a $10,000,000 floating dry dock at the Pearl Harbor navy yard in Hawaii and $1,013,500 for the fleet air base at that place.

The Air Engineering Duty Act

This act was approved June 5, 1935. It permits the Secretary of the Navy to designate line officers of the navy, upon application, for the performance of aeronautical engineering duty only.

It authorizes the President, with the advice and consent of the Senate, to transfer and appoint officers of the Construction Corps of the Navy, who are applicants to the corresponding rank and grade in the line of the navy, for the performance of aeronautical engineering duty only.

NEUTRALITY

The Neutrality Act

This act was approved August 31, 1935. It directs that, upon the outbreak, or during the progress, of war between foreign States, the President shall proclaim the fact that thereafter it shall be unlawful to export arms, ammunition, or implements of war from any place in the United States or its possessions, to any port of such belligerent States, or to any neutral port for trans-shipment to, or for the use of, a belligerent country. Violations of this provision are punishable by $10,000 fine or five years' imprisonment, or both. Except with respect to prosecutions committed or forfeitures incurred prior to March 1, 1936, this section and all proclamations issued thereunder shall not be effective after February 29, 1936.

It establishes a National Munitions Control Board consisting of the Secretaries of State, Treasury, War, Navy, and Commerce to carry out the act.

It requires all persons engaged in manufacturing, exporting, or importing arms, ammunitions, and implements of war to register with the Secretary of State within ninety days after the act takes effect, listing the arms they manufacture, export, or import. The registrants would pay a fee of $500 and, upon receipt of this, the Secretary of State would issue a registration certificate valid for five years.

It provides that all persons required to register shall maintain, subject to inspection of the board, such permanent records of manufacture for export, importation, and exportation of arms, ammunitions, and implements of war as the board shall prescribe.

It forbids any person to export, or "attempt to export," from the United States, or to import to the United States, any of the munitions referred to in the act, without a license from the board.

The act makes it unlawful, after the President issues a proclamation under the act, to carry munitions to belligerent ports, or to neutral ports for trans-shipment to belligerent countries named in the proclamation as being at war, under penalties of $10,000 fine or five years' imprisonment or both, and forfeiture of munitions and vessel.

It authorizes the President to lay down conditions barring foreign submarines from American ports, except under such conditions as

he may prescribe, during any war in which the United States is a neutral.

It directs that whenever, during any war in which the United States is a neutral, the President finds the "maintenance of peace" between this country and foreign nations, protection of lives of American citizens, protection of the commercial interests of the United States and its citizens, or the "security of the United States" are involved, he "shall so proclaim," and thereafter "no citizen of the United States shall travel on any vessel of any belligerent nation except at his own risk," unless in accordance with rules prescribed by the President.

PETROLEUM

The "Hot-Oil" Act

This act was approved February 22, 1935. It regulates interstate and foreign commerce in petroleum and its products by prohibiting the shipment or transportation of "contraband" or "hot oil" from any state in which produced.

It calls for Federal confiscation of illegal petroleum taken across a State line.

It authorizes the President to lift the prohibition of interstate movement of "contraband" petroleum whenever he finds that the amount of petroleum and petroleum products moving in interstate commerce is so limited as to be the cause, in whole or in part, of a "lack of parity between supply and consumptive demand resulting in an undue burden on, or restriction of, interstate commerce in petroleum and its products."

It stipulates that if the section of the measure giving the President authority to so act is held invalid, the prohibition against shipment in interstate commerce shall still be in force.

It makes the legislation effective until June 16, 1937.

The Oil and Gas Prospecting Act

This act was approved August 21, 1935. It amends the Oil Leasing Act of 1920 by authorizing and directing the Secretary of the Interior to grant prospecting permits giving the exclusive right, for not exceeding two years, to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure or producing field, subject to specified conditions and requirements that must be met by the applicant.

It stipulates that upon discovery of valuable deposits of oil or gas, the permitee shall be entitled to a lease of one-fourth of the land embraced in the permit.

POSTAL SERVICE

The McKellar-Mead 40-Hour Mail Act

This act was approved August 14, 1935. It provides for a forty-hour week for 123,000 postal employees, effective October 1, 1935.

It affects supervisors, clerks, special clerks, carriers, rural delivery men, mail equipment shop workers, laborers in first and second class postoffices, cleaners, janitors, telephone operators, and elevator conductors.

It extends the benefits of the act to railway postal clerks by providing that the service of such clerks assigned to road duty shall be based on an average not exceeding six hours and forty minutes daily for 306 days annually, and that railway postal clerks required to perform over six hours and forty minutes' service daily shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime.

POWER

The Tennessee Valley Act

This act was approved August 31, 1935. It amends the organic "TVA" Act to give clarifying and remedial legislation to the Tennessee Valley Authority, based upon its two years of operation.

It gives the "TVA" definite sanction to sell surplus power, a right challenged in the courts in ruling on injunctions brought under the original "TVA" Act of 1933.

It affirms the right of the "TVA" to sell electricity to States, counties, municipalities, and non-profit organizations within transmission distance from its dams and specifically mentions the construction of Norris, Wheeler, and Pickwick Landing dams, along with the existing Wilson Dam at Muscle Shoals, as being necessary in the unified development of the Tennessee River system for navigation, flood control, and power purposes.

It authorizes the "TVA" to utilize its yet unused bond issues of $50,000,000 for loans to States, counties, and municipalities to enable them to acquire electric distribution facilities.

It empowers the "TVA" to construct such dams and reservoirs in the Tennessee River and its tributaries as, in conjunction with the Wilson, Norris, Wheeler, and Pickwick Landing dams, would provide a nine-foot channel in the Tennessee River from Knoxville to its mouth.

It permits "TVA" regulation of power resale rate schedules.

It grants power to acquire existing electric facilities used in serving farms and small villages.

The act directs the Comptroller General to audit "TVA" transactions at such times as he shall determine, not less frequently than once in each fiscal year, but specifically restrains the Comptroller General from making his report on his periodic audit of "TVA" accounts until the corporation shall have reasonable opportunity to

"examine the exceptions and criticisms of the Comptroller General or the General Accounting office" and to "point out errors therein, explain or answer the same." It assesses the General Accounting Office for the cost of such audits, with the exception of such part of such expenses as may be allocated to the cost of generating, transmitting, and distributing electric energy.

It affirms the right of the corporation to exercise its own judgment in contract awarding.

RECONSTRUCTION FINANCE

The RFC Extension Act

This act was approved January 31, 1935. It extends the lending power and other active functions of the Reconstruction Finance Corporation for two years, or until February 1, 1937. It provides that the corporation may make disbursement at any time prior to January 31, 1936, on account of any commitment heretofore made, to make a loan or subscribe to preferred stock or purchase capital notes or debentures.

It provides for loans or advances, or renewals of extensions thereof, to mature not later than January 31, 1945, instead of February 1, 1940, as under previously existing law. It empowers the corporation to require, as a condition of making, renewing, or extending a loan to a railroad for more than five years, that arrangements be made to reduce or amortize its indebtedness according to a plan approved by the Interstate Commerce Commission.

It authorizes the "RFC" "to assist in the reestablishment of a normal mortgage market" by subscribing for, or making loans upon, the non-assessable stock of any class of any national mortgage association organized under the National Housing Act and of any mortgage loan company, trust company, saving and loan association, or other similar financial institution. The borrowing powers of the "RFC" are increased by an amount sufficient to carry out the provisions of this section.

It continues the Commodity Credit Corporation until April 1, 1937, and the Export-Import Banks to June 16, 1937.

It enlarges aid to industry by authorizing the "RFC" to lend to "any institution, now or hereafter established, financing principally the sale of electrical, plumbing, or other household appliances, both urban and rural."

It grants power to the "RFC" to make loans to recognized and established concerns and individuals engaged in mining, milling, or smelting ores.

RECOVERY

The NRA Extension Act

This act was approved June 14, 1935. It extends the NRA in skeletonized form until April 1, 1936.

It repeals all provisions of Title I of the National Industrial Recovery Act delegating power to the President to approve or prescribe codes of fair competition and providing for the enforcement of such codes.

It provides that the exemption (from the anti-trust laws) provided in Section 5 of Title I of the National Industrial Recovery Act shall extend "only to agreements and action thereunder (1) putting into effect the requirements of Section 7a, including minimum wages, maximum hours, and prohibition of child labor; and (2) prohibiting unfair competitive practices which offend against existing law, including anti-trust laws, or which constitute unfair methods of competition under the Federal Trade Commission Act."

RELIEF

The Work-Relief Act

This act was approved April 8, 1935. It appropriates $4,000,000,000 in a new sum, together with $880,000,000 in existing balances of the Reconstruction Finance Corporation and Public Works Administration, to be used "in the discretion and under the direction of the President" to "provide relief, work relief, and to increase employment by providing for useful projects."

It "earmarks" the $4,000,000,000 appropriation in eight general classifications of projects, intended to cover every possible line of public works, as follows:

(a) Highways, roads, streets, and grade-crossing elimination, $800,000,000.

(b) Rural rehabilitation and relief in stricken agricultural areas and water conservation, transmountain water diversion and irrigation and reclamation, $500,000,000.

(c) Rural electrification, $100,000,000.

(d) Housing, $450,000,000.

(e) Assistance for educational, professional, and clerical persons, $300,000,000.

(f) Civilian Conservation Corps, $600,000,000.

(g) Loans or grants, or both, for projects of States, Territories, possessions (including their subdivisions and agencies), municipalities, and the District of Columbia, and self-liquidating projects of public bodies thereof, $900,000,000.

(h) Sanitation, prevention of soil erosion, reforestation, forestation, flood control, rivers and harbors, and miscellaneous projects, $350,000,000.

It gives to the President full authority to fix wage scales on these works, with the limitation that he shall pay prevailing wages, according to the Davis-Bacon act on strictly Federal building projects, and that other wages shall not be lower than existing private scales.

It authorizes the President to make loans to farmers, farm tenants, croppers, or farm laborers for the purchase of farm lands and necessary equipment.

It continues in full force and effect until June 30, 1936, the Federal Emergency Relief Act of 1933.

It authorizes continuation of the Federal Emergency Administration of Public Works until June 30, 1937.

It extends to March 31, 1937, the authority of the President under the act of March 31, 1933, under which the "CCC" was established, for the relief of employment through the performance of useful public works.

The Disaster Loan Act

This act was approved July 26, 1935. It authorizes the Reconstruction Finance Corporation to make loans to non-profit corporations, with or without capital stock, organized for the purpose of financing the acquisition of home or building sites, in replacement of sites formerly occupied by buildings, where such sites are declared by public authority to be unsafe by reason of flood, danger of flood, or earthquake; and for the purpose of financing the repair or construction of buildings or structures, or water, irrigation, gas, electric, sewer, drainage, flood control, communication, or transportation systems, damaged or destroyed by earthquake, conflagration, tornado, cyclone, or flood in the years 1934, 1935, and 1936.

SHIPPING

The Coastwise Trade Act of 1935

This act was approved July 2, 1935. It amends Section 27 of the Merchant Marine Act of 1920 so as to prohibit the following classes of vessels from engaging in the coast-wise trade:

1. Vessels built in or documented under the laws of the United States and later sold to foreign owners.
2. Vessels built in the United States for foreign countries or foreign purchasers.

It prevents the repatriation of old ships which originally qualified for the coastwise trade of the United States and have been sold and are trying to return.

SOCIAL SECURITY

This act was approved August 14, 1935. It provides for the establishment of a system of Federal old-age benefits and undertakes to enable the States to make more adequate provision for aged persons, dependent and crippled children, maternal and child welfare, public health, and the administration of State unemployment compensation laws.

It creates a bipartisan Social Security Board of three members, to administer the program independently of the Department of Labor. They are to be appointed by the President, by consent of the Senate, each to receive a salary of $10,000 a year and serve six-year terms, except that of the first three members appointed, one would hold

office for two years, another for four years, and the third for six years.

It authorizes an appropriation of $49,750,000 for the current fiscal year, and so much as may be needed thereafter, to enable each State to furnish financial assistance "as far as practicable under the conditions in such State," to aged needy persons, more than 65 years old. Federal grants are authorized on a fifty-fifty matching basis with the States, except that the Federal Government's share in no case would exceed fifteen dollars a month.

It provides for a long-range, contributory old-age pension system, to be financed by an income tax on employes and a payroll tax on employers, starting, in each case, at one per cent in 1937, and rising each three years until 1949, when each contribution is to be three per cent. Under the operation of the system, each qualified worker who retires at the age of sixty-five, but not prior to January 1, 1942, would receive a monthly pension, until his death, ranging from ten dollars to eighty-five dollars, depending upon the total amount of wages earned by the beneficiary after December 31, 1936, and before he reaches retirable age.

It provides for a Federal State system of unemployment compensation, by Federal grants in aid, based on the imposition of a uniform payroll-excise tax on employers.

It authorizes an appropriation of $24,750,000 for the current fiscal year, and such amounts as may be needed in future years, to enable each State to furnish financial assistance, "as far as practicable under the conditions in such State," to needy dependent children.

It authorizes an appropriation of $3,800,000 a year, beginning with the current fiscal year, to assist the States in promoting the health of mothers and children "especially in rural areas and in areas suffering from severe economic distress."

It authorizes an appropriation of $2,850,000 a year, beginning with the fiscal year 1936, to assist States in providing medical, surgical, and corrective services for crippled children, the Children's Bureau to operate with State public welfare agencies.

It authorizes an appropriation of $1,500,000 to aid State agencies in caring for homeless and neglected children.

It authorizes an appropriation of $841,000 for the fiscal years 1936 and 1937, $1,938,000 a year thereafter, to supplement and strengthen State vocational rehabilitation of the physically disabled, and $8,000,000 annually for assistance to the States and their political subdivisions in maintaining adequate public health services, as well as $3,000,000 for the fiscal year 1936; and, as much as may be needed annually thereafter, to assist State plans for aiding the needy blind, the Federal grants for the latter to be made on a fifty-fifty matching basis to States meeting set standards.

TAXATION

The Revenue Act of 1935

This act was approved August 30, 1935. It amends the existing revenue laws so as to yield an estimated additional revenue of $250,000,000 from the following changes in tax rates:

ESTATE TAXES.—It increases the rates of the present estate taxes, beginning the impost at two per cent on net estates of $10,000, and ranging upward to sixty-seven per cent on that part of the estate between $10,000,000 and $20,000,000, sixty-nine per cent on that part between $20,000,000 and $50,000,000, and to a maximum of seventy per cent on all above $50,000,000. In addition, the specific exemption is lowered from $50,000 (in existing law) to $40,000, thereby providing for a thoroughly upward revision affecting every estate tax bracket. (This section of the new act is a complete substitute for the inheritance tax as requested by the President, and as adopted by the House, but rejected in conference.) Under existing law, estate taxes begin at one per cent on the first $10,000 and range up to sixty per cent on that part of the estate over $10,000,000. The new estate tax provision is effective as to decedents who die after the enactment of the Revenue Act of 1935.

GIFT TAXES.—It revises the existing gift taxes so as to make them three-fourths of the new estate tax schedule. The new gift tax rates begin at one and one-half per cent on the first $10,000 and range up to fifty and one-fourth per cent on $10,000,000 to $20,000,000, fifty-one and three-fourths per cent on $20,000,000 to $50,000,000, and fifty-two and one-half per cent on gifts of more than $50,000,000. The gift tax exemption also is reduced from $50,000 to $40,000. The new gift taxes are effective as to gifts in the calendar year 1936 and thereafter. Under the existing law, the first bracket rate is three-fourths of one per cent on the first $10,000, ranging upward to forty-five per cent upon net gifts in excess of $10,000,000.

INDIVIDUAL INCOME SUR-TAXES.—It increases the surtaxes on individual incomes, beginning with a surtax of thirty-one per cent in the bracket for net incomes between $50,000 and $56,000, graduating upward through the brackets to seventy-three per cent on net incomes between $1,000,000 and $2,000,000, seventy-four per cent on $2,000,000 to $5,000,000, and seventy-five per cent on over $5,000,000. The new individual surtaxes are to become effective for the first taxable year ending after December 31, 1935. Under existing law, the individual income surtaxes begin with a tax of thirty per cent in the bracket for incomes between $50,000 and $56,000, and range upward to fifty-nine per cent on income in excess of $1,000,000.

GRADUATED INCOME TAX ON CORPORATIONS.—It imposes a new graduated income tax on corporations, to be levied as follows: twelve and one-half per cent on net corporation income up to $2,000, thirteen per cent on $2,000 to $15,000, fourteen per cent

on $15,000 to $40,000, and fifteen per cent on net corporation income in excess of $40,000. The tax is to become effective for the first taxable year ending after December 31, 1935. Under existing law, the corporation income tax is a flat rate of thirteen and three-fourths per cent and there is no graduation of the rate.

CAPITAL STOCK TAX.—It increases the capital stock tax levied under existing law at the rate of one dollar per one thousand dollars on the declared value of corporation stock, to a new rate of one dollar and forty cents per one thousand dollars. A new declaration of values is also allowed with respect to the capital stock tax.

The new tax takes effect beginning with the fiscal year ending June 30, 1936.

EXCESS PROFITS TAX.—It levies a graduated tax on excess profits of corporations as follows: six per cent on profits exceeding ten per cent and not over fifteen per cent, and twelve per cent on profits exceeding fifteen per cent, of the declared value of corporation stock. The new excess profits tax takes effect with the first income taxable year that ends after June 30, 1936. Under existing law there is a flat rate of five per cent on profits exceeding twelve and one-half per cent.

INTERCORPORATE DIVIDENDS TAX.—Under existing law intercorporate dividends of domestic corporations are deducted entirely from gross income in computing net income subject to tax. Under the new Revenue Act ninety per cent of such dividends are deductible, leaving ten per cent taxable at the new graduated corporation tax rate. This provision takes effect the first taxable year beginning after December 31, 1935.

PERSONAL HOLDING COMPANY TAX.—It increases the rates of tax on undivided profits of personal holding companies to make them conform to the higher surtaxes. Existing law provided for a surtax on undistributed adjusted net income of personal holding companies, at the rate of thirty per cent of the amount of such income not in excess of $100,000, and forty per cent on incomes in excess of $100,000. Under the Revenue Act of 1935 the tax is to be twenty per cent on such income not over two thousand dollars, plus thirty per cent of the amount thereof over two thousand dollars and not over $100,000, plus forty per cent of the amount thereof over $100,000 and not over $500,000, plus fifty per cent on the amount thereof over $500,000 and not over $1,000,000, plus sixty per cent of the amount thereof over $1,000,000. This provision takes effect the first taxable year beginning after December 31, 1935.

The Nuisance Tax Act

This act was approved June 28, 1935. It continues for another two years, or until the Summer of 1937, certain excise taxes and also the three-cent postage rate on non-local first class mail matter, yielding an estimated revenue of $501,991,000 in the current fiscal year 1936. Under the Revenue Act of 1932, certain of these excise taxes would have become inoperative after June 30, 1935, certain

others would have ceased on July 31, 1935, and still others would have continued to operate only at reduced rates or with increased exemptions after June 30, 1935. The extra penny first class postage rate would have become inoperative on June 30, 1935.

It defers for two years scheduled reductions in taxes on future sales of produce, issue and transfer of stocks and bonds.

It continues until 1937 excise taxes on gasoline, brewers' wort, matches, lubricating oil, electrical energy, toilet preparations, furs, jewelry, radio sets, photographs, mechanical refrigerators, sporting goods, cameras, lenses, firearms, chewing gum, admissions, telephone and telegraph messages, oil by pipe line, automobile trucks, passenger automobiles and motor cycles, parts and accessories, and tires, as well as temporary import duties on crude petroleum, gasoline, lubricating oil, paraffin wax, coal and coke, lumber and copper.

TRANSPORTATION

The Rail Extension Act

This act was approved June 14, 1935. It extends for one year, or until June 17, 1936, the Emergency Railroad Transportation Act of 1933 and the office of Coordinator of Transportation.

It provides that orders of the Coordinator or of the Interstate Commerce Commission made under that act shall continue in effect until vacated by the commission or set aside by other lawful authority.

It continues the assessment of two dollars a mile on railroads for financing the Coordinator's office and makes it the duty of the Secretary of the Treasury to collect such assessments.

The Wagner-Crosser Rail Retirement Act

This act was approved August 29, 1935. It establishes a system of retirement annuities for railroad workers who reach the age of 65 years, and, for any under that age who have had thirty years service with the rail carriers, and who, either make application for retirement, or are retired because of physical or mental disability.

It attempts to meet the objections of the Supreme Court in setting aside the original Rail Retirement Act of 1934, by basing it on the taxing power of Congress to tax instead of on its authority to regulate interstate commerce.

It creates as an independent agency of the government a Railroad Retirement Board of three members to be appointed by the President, one on recommendation of the employees, one on recommendation of the carriers, and the third without recommendation of either interested party, at salaries of $10,000 annually each, to administer the act and submit a special report within four years recommending changes regarded as necessary in the retirement system.

It sets up an Investigation Commission of nine members, including three Senators appointed by the Vice President, three Representatives named by the Speaker, and three others to be selected by the President. It authorizes the commission to make a thorough

investigation of all pertinent facts relative to a retirement annuity system applicable to railroad carriers and report its findings to Congress not later than January 1, 1936.

It provides for the payment of annuities from the Treasury to rail employees, after retirement, who are 65 years of age or more, or who have given thirty years of service, provided they are over 50 years of age.

It stipulates that in the event of death of a person entitled to an annuity, the board shall for one year pay to his estate an annuity equal to one-half of the annuity to which he may have been entitled.

The act imposes no excise or income taxes on employers or workers, leaving this to be provided for in a supplementary companion act for financing the retirement plan.

The act becomes effective March 1, 1936.

The Railroad Reorganization Act

This act was approved August 27, 1935. It is designed to simplify and improve the procedure for financial reorganization of railroads (engaged in interstate commerce) under the Bankruptcy Act and to assist the administration's rail coordination plan.

It provides that any railroad corporation which is insolvent or unable to meet its debts as they mature (for creditors of such a company having claims aggregating not less than five per cent of its indebtedness) can file a petition in a Federal court for relief under Section 77 of the Bankruptcy Act, as amended by this new act, upon approving which the court would have exclusive jurisdiction of the property, wherever located, its process extending to any judicial district.

It provides that, after approving the petition, the judge shall appoint a trustee, or trustees, subject to the ratification of the Interstate Commerce Commission; that receivers' certificates may be issued; that the trustee shall file lists of all bondholders and creditors; that any one having information about the names and addresses of security holders can be required to divulge it; that the judge shall direct the trustee to report on all irregularities or frauds in the debtor's management, and that the commission shall prepare data helpful in reorganizations.

It requires the filing of a plan of reorganization by the debtor, within six months after the petition for relief, with extension as allowed by the court; plans also would be filed by trustees or creditors, or stockholders having not less than ten per cent of the holdings of their respective claims, or by any party in interest, with the consent of the commission. The commission must hold hearings on these plans, and, if it approves a plan, shall certify it to the court.

It provides that, upon certification of a plan to the court, the judge, after notice, shall hear all parties on objections to the plan and that the judge shall approve the plan if satisfied that it is fair and equitable, gives due recognition to the rights of each class of creditors and stockholders, does not discriminate unfairly, will con-

form to the requirements of the law of the land, and that it meets certain other minor requirements.

It specifies that if the judge approves the plan, he shall transmit it to the commission for a submission and referendum by the creditors and stockholders and that, after such referendum, the judge shall confirm the plan if two-thirds of those voting have approved it, but the judge may nevertheless confirm the plan even if it has not been accepted by the creditors and stockholders, if he finds that it makes adequate provision for fair and equitable treatment for the interests of those rejecting it, that such rejection is not reasonably justified in the light of the respective rights of those rejecting it, and the plan conforms to the requirements of the statute.

It provides that if in light of all the existing circumstances there is undue delay in a reasonably expeditious reorganization, the judge shall dismiss the proceedings, after considering the recommendation of the Interstate Commerce Commission.

UTILITIES

Public Utility Holding Company Act of 1935

This act was approved August 26, 1935. It recites that the interstate character of public utility holding companies makes their regulation by the states impossible. It recites certain abuses in the system which have been unjust to investors, consumers, and the general public. It declares that the national public interest is affected, and that a regulation by the national government is imperative. The act recites that the Securities and Exchange Commissions may exempt certain holding companies and/or their subsidiaries from this act when such companies are predominantly intrastate in character, or are predominantly not public utility companies.

The act requires that every holding company register by October 1, 1935. It requires that these companies file copies of their charters or articles of incorporation and all agreements or contracts with associate companies, along with certain detailed information concerning such companies.

After December 1, 1935, the act provides that unregistered holding companies are forbidden to distribute gas or electricity in interstate commerce, to perform any services to any other public utility company, to sell securities in interstate commerce, or to engage in any other interstate business.

The act provides that except in accordance with the provisions of this act, no registered company may sell securities or alter the provisions of outstanding securities. This provision will not apply to securities the proceeds of which are used in running the business, provided the state in which the company is incorporated permits this dealing.

A registered holding company may file a declaration with the commission regarding the selling or altering of securities in such form as the commission shall prescribe. The commission is not to

permit a declaration unless the security is a common stock with no voting preferences and having a par value, a bond secured by first lien on physical property of declarant or a subsidiary, a guaranty of liability on security of another company, a duly authorized trustee's or receiver's certificate, or unless the security be sold solely for refunding or reorganization to refinance the business, or where a failure to approve would impose an unreasonable burden, or unless the security is first authorized by the company prior to January 1, 1935, and is necessary to the public interest. If these requirements are met, the commission shall authorize the declaration, if such security is adaptable to the business and is not in any way unreasonable. The declaration shall become effective only upon the terms laid down by the commission, provided no state laws are infringed thereby.

A Utility cannot acquire any interest in a company serving the same territory as another company without the approval of the state.

Unless the commission approves, no registered holding or subsidiary company and no member of such company, by means of interstate commerce, shall acquire any security or asset of any other business. This however, shall not apply where such act is authorized by the state commission where the business is largely confined to such state, nor shall it apply to securities guaranteed by any governmental agency, or securities which are readily marketable and in which only current funds are invested, or any other security allowed by the commission.

An individual or company may apply for approval of acquisition of interest in any business to the commission, and must file certain detailed information about such business as provided for in the act. If these requirements are met, the commission shall approve the acquisition unless it finds a tendency toward a close control of the business.

The commission shall examine the corporate structure of every registered holding company and subsidiary thereof with a view of simplifying the system. It shall be the duty of the commission, as soon as practicable after January 1, 1938, to take steps to limit the operations of the holding company system, of which such company is a part, to a single integrated public utility system. The commission shall permit such holding company to continue to control one or more integrated public utility systems if it is found that such system be more economical in operation, or if all such additional systems are in one state, adjoining states, or in a contiguous foreign country, and such system is for the best interest of proper functioning. The commission may apply to the courts to enforce any order under the provisions of this act. Any holding company or subsidiary may submit a plan to the courts for rearrangement with approval of the commission.

The act prohibits holding companies from borrowing in interstate commerce from another member of the same system, or lending in such manner, or paying dividends on any security of such company

in contravention of the regulations of the commission, or to do any other act in contravention of the regulations of the commission.

The act makes it unlawful for such holding company or subsidiary to make contributions to any candidate or political party. It makes it unlawful for such companies to lobby concerning any legislation without first giving a detailed report of their intentions to the commission.

After April 1st, 1936, it shall be unlawful for any registered holding company or subsidiary thereof to perform services, sales, or construction contracts with an affiliate company unless exempt by the commission or found necessary by such commission. The commission may prescribe rules for such action by the companies, and it shall investigate this situation from time to time and report to Congress.

The commission shall require reports from all registered holding and subsidiary companies giving all data required by such rules as the commission shall lay down.

Every holding company or subsidiary thereof shall keep full accounts and records in accordance wiflth the rules of the commission and such shall be kept in no other way than in accordance with such rules. Certain penalties are laid down for mis-statements in this account.

Every officer of the company shall file with the commission a statement of securities of the company held by him. Any profit made by an officer by reason of his relationship shall inure to the company.

After one year from the date of this act, no registered holding company or subsidiary thereof shall have as an officer thereof any person affiliated with a banking establishment of any kind.

The commission may investigate any practices of any utility company. It may invoke the aid of the courts in carrying out the provisions of this act. It may require incriminating testimony of a witness, but the commission cannot use the same against him. It may restrain violation of this act by injunctions of courts, and may secure writs of mandamus from the courts. The commission is empowered to alter any of its rules, regulations, or orders. Nothing in this act is to affect the Securities Act of 1933 or the Exchange Act of 1934, or any existing power in any governmental agency or subdivision.

The information contained in any report, statement, or declaration may be made public by the commission, but it is unlawful for any member of the commission to disclose any information which may be used for personal benefit.

Any order of the commission is subject to review by a Circuit Court of Appeals, and the decision of this court shall be final, subject only to review by the Supreme Court of the United States upon certiorari. The Federal Courts shall have jurisdiction of all violations of this act, and shall have concurrent jurisdiction with the courts over any liability or duty created by it.

Contracts in violation of this act are void. It is unlawful to do any act in violation of this Title vicariously. The act lays down certain penalties for the violation of any of its provisions.

The commission is authorized to study public utility and investment companies and to make recommendations to Congress on or before January 4, 1937. The commission is empowered to employ such persons as are necessary to the carrrying out of this Title.

The act contains a saving clause.

CONCLUSION

I wish to give full credit for much of the material used in this address to Honorable Hal H. Smith, Correspondent of the New York Times, which material is found in his summary of the Acts of Congress just adjourned. I have taken the liberty, with his express consent, of making use of his work which has been so splendidly done. I would like, also, to make grateful acknowledgment to Miss Catherine Blanton of Washington, D. C., and Mr. Sherwood W. Wise, of our firm, for their assistance in the preparation of the material contained in this address.

I apologize for the length of this paper. On account of the importance of the legislation, I could not get through in any shorter time. (Applause.)

Next on our program is the report of the Committee on Attorneys' Fees, Hon. John Brunini, Chairman. But before we go into that I have been requested to make this announcement: Hon. R. W. Cutrer asks me to say to you that the chancellors of the state will meet in the supervisors' room of the courthouse at 8:30 A. M., September 6.

Hon. John Brunini—we will hear from him at this time.

MR. BRUNINI: Mr. President, Ladies and Gentlemen: While the subject which we have under consideration is dry and prosaic, still I am reminded that when poverty enters the door, romance goes out of the window. For the last two years it has been apparent to some of us that some of the liability and casualty companies are undertaking to recoup the losses they have sustained in their investment departments by reducing the cost of operation in other departments. Most of you who are engaged in the defense of the cases of these companies have been confronted with the request that you give the time that you have devoted in the preparation and defense of these cases, thereby undertaking to make the *time* the dominant element in fixing the cost to them in the way of attorneys fees. In other words, the effort is made to put the lawyer on a per-hour basis, and it was that condition that brought forth the appointment of this committee. The latter has deliberated over the subject and it has made its report, which I shall presently read. That report undertakes to show what are the elements that should be considered in fixing a lawyer's fee in reference to these particular cases, and, in fact, in all cases, and in addition to make certain recommendations

to this body. I will pass over it just as quickly as I can. (The report follows.)

To The Members Of The Mississippi State Bar:

The Committee appointed by the Honorable W. Calvin Wells, President of your Association, to consider the compensation for representing liability and casualty companies, has given the subject considerable thought and many of them speak from personal experience.

It is not the desire to unjustly reflect upon any of the companies in question, because there are many who treat their counsel considerately and justly.

It has been suggested that the members of the profession really pay little heed to the rules of the companies that govern them, in fixing reasonable fees for our services. For that reason, we are of the opinion that it would be well to call the attention of the members of the profession to the general rules on the subject as enunciated by the decisions of our Court, other Courts, and text writers.

Our own Supreme Court, in the case of *Holly Springs v. Manning,* 55 Miss. 380, lays down the rule to determine what would be a fair, reasonable, and just sum, under all the circumstances, for the services rendered in defending suits. It said:

"What sum that should be, is determinable by the importance of the contest, the labor and responsibility of counsel, and every circumstance attending the cause, which according to established usage serves to guide to a conclusion as to what is a proper *professional* charge in such a state of circumstances."

Corpus Juris puts the rule as follows:

"The circumstances to be considered in determining the compensation to be recovered are the amount and character of the services rendered; the labor, time and trouble involved; the nature and importance of the litigation or business in which the services were rendered; the responsibility imposed; the amount of money or the value of the property affected by the controversy or involved in the employment; the skill and experience called for in the performance of the service; the professional character and standing of the attorney; *the results secured;* and whether or not the fee is absolute or contingent, it being a recognized rule that an attorney may properly charge a much larger fee when it is to be contingent, than when it is not. The financial ability of the defendant may also be considered by the jury, not to enhance the amount above a reasonable compensation, but to determine whether or not he is able to pay a fair and just compensation for the services rendered, or as an incident in ascertaining the importance and gravity of the interests involved in the litigation. But what is a reasonable fee must in a large measure depend upon the facts of each particular case, and be determined like any other fact in issue in a judicial proceeding. While opinions are receivable and entitled to due weight, *the courts are well qualified to form an independent judgment on such questions, and it is their duty to do so.*" 6 C. J., section 331, page 750.

Ruling Case Law, Volume 2, Section 145, page 1059, states the rule as follows:

"The value of the services of an attorney is necessarily to be determined by many considerations besides *the mere time visibly employed* in the conduct of a suit. Among other things, the importance and results of the case are to be considered. In estimating the value of his services, the skill, experience, and professional standing of the attorney should also be taken into consideration, *and the amount of his professional business.* . . . While ordinarily the prominence of the parties in an action is not entitled to any weight in determining the value of the services of an attorney, *yet it has been held that such element may be considered in fixing the value of the legal services rendered.*"

Scattered through the various decisions, certain elements which should be considered in fixing the fee for services rendered are to be found, and we shall now proceed to quote from some of them.

"While it is true that *the time taken* in the performance of legal services should be taken into consideration in fixing the value thereof, *yet it is of minor importance.*"—*Trimble v. Kansas City R. Co.,* 201 Mo. 372, 100 S. W. 7.

"To ascertain the *number of hours* dedicated by an attorney to the business in hand, and then to make an allowance *therefor at so much per hour,* is not an appropriate method for the determination of the value of professional services rendered by him."—*Haussermann v. Rahmeyer,* 12 Philippine 350.

Even the Filipinoes had a just appreciation of professional services.

"It is very evident that the responsibility, the care, anxiety, and mental labor is much greater in a case *where the amount in controversy is large* than where it is insignificant, although perhaps the same questions might be raised in each case, or the more difficult questions arise in the case where the amount was of but slight consequence. *Nor is this responsibility,* care and mental labor dependent alone upon the *number of hours or days* which may be given to the preparation and trial or argument of the case. This responsibility and mental anxiety is not so imaginative and shadowy that it should not be considered in arriving at a proper compensation to be allowed in fixing the value of the services rendered."—*Eggleston v. Boardman,* 37 Mich. 14, 17.

"While the Courts will always look to the amount involved in fixing upon fees to be allowed and settled, that is only one matter to be looked to, and sometimes counsel are entitled to fees exceeding the amount involved."—*Taylor v. Badoux* (Tenn. Ch. A.) 58 S. W. 919, 928.

"In estimating the value of professional services, *there is a personal element* which neither the applicant, the court, nor his brother lawyers, who may be called on as witnesses, can or ought to ignore. The same services rendered by a young lawyer with the ink on his license scarcely dry, and by a veteran of forty years' experience who

may have occupied high judicial position, will, properly enough, be measured each by a very different standard, and will entitle each to a very different compensation."—*Bowling v. Scales,* 1 Tenn. Ch. 618, 621.

"While the court should give due consideration to the opinions of experts and the evidence of other witnesses as to the value of legal services, it is not controlled by such evidence, as the court itself is an expert as to the value of attorneys' services and *may apply its own knowledge and professional* experience in determining the value of the services rendered."—*Epp v. Hinton* (Kan.) 170 Pac. 987.

"You are hereby instructed that it is very evident that the responsibility, the care, anxiety, and mental labor, is much greater in a case where the amount in controversy is large than where it is insignificant, although perhaps the same questions might be raised in each case, or the more difficult questions arise in the case where the amount was of slight consequence. Nor is this responsibility, care, and mental labor dependent *alone upon the number of hours or days which may be given to the preparation* or attention to the business in which the services were rendered. This responsibility and mental anxiety is not so imaginative and shadowy that it should not be considered in arriving at a proper compensation to be allowed in fixing the value of the services rendered. For example, it goes without saying that a larger amount is reasonable compensation for the same professional services where the amount at stake is $50,000 than where it is $50.00."—*Van Fleet v. O'Neil* (Nev.) 192 Pac. 384.

"We do not agree with counsel for defendant that she has a right to employ Colorado Springs attorneys *and compel them to accept the standard of fees at Ordway.* What would be a reasonable fee at Ordway might not be reasonable at Colorado Springs. The standard at Colorado Springs, not Ordway, is the criterion here.

"Trial courts, as well as appellate courts, are competent to speak on the value of legal services. It was so held by the United States Circuit Court of Appeals in *McDougal v. Black Panther Oil & Gas Co.,* 277 Fed. 707, and we so hold here. In the McDougal Case *supra* it was said:

" '*This court, as well as the trial court, may be considered experts upon the value of legal services.*' 6 C. J. 763, note 24."—*Enyart v. Orr* (Colo.) 238 Pac. 29.

"The ordinary rule is that the overhead expense of counsel in maintaining their offices, the cost of their traveling expenses, their board bill, and outlays of that kind are, save and except as to the board bill, matters to be taken into consideration in determining the value of an attorney's services and in fixing his fees therefor."—*Tasker v. Cochrane* (Cal.) 271 Pac. 503.

"The court had before it detailed evidence as to the nature and extent of their services rendered, and was empowered to use his own experience and judgment as to the reasonable value thereof, with or without the aid of testimony of witnesses as to value."—*Elconin v. Yalen* (Cal.) 282 Pac. 791.

"The trial judge had a sufficiency before him to warrant his arriving at his conclusion as to the reasonable value of the compensation of the several parties, and he might properly apply his own knowledge as to such services and their value in fixing the measure of compensation."—*Rubekeil v. Director General of Railroads* (Wis.) 176 N. W. 854.

"No one can state as a fact the value of extensive legal services. He can only give his opinion. The value is based upon a number of considerations, including the professional reputation and standing of the attorney, the difficulty and importance of the case, the amount of time spent and work performed, the sum involved, the result of litigation, etc., 6 C. J. 761; *Steele v. Hammond,* 136 App. Div. 667, 121 N. Y. S. 539. *It is not like wages, goods,* and even some minor professional services, with a market value which may be stated as a fact or, by reason of local custom, have a definite price."—*Baxter v. Szucs* (Mich.) 227 N. W. 666.

The case of *Strauss v. Victor Talking Machine Co.,* 297 Fed. 791, 805 is from the Second Circuit of the U. S. Circuit Court of Appeals. We quote the general principles announced:

"In determining what is a reasonable fee, many elements must be considered, and some of these are: The character of the services rendered, the manner in which rendered, the time occupied, and the result attained. Not the least important element is the responsibility which rests upon counsel. It was *not easy* in this case to determine the theory upon which it should be tried. That determination *demanded the courage of selection.* If the action had been planned and tried upon a *wrong theory,* it would have failed, and thus it is that *ability* should be recognized as an attribute not to be measured by a yardstick."

The members of the Bar who look after the business of the liability and casualty companies of the State warrant us in saying as a fact, that some of the companies writing this business are making an effort to pay less than the services of their counsel are reasonably worth and have adopted methods to that end, which are exceedingly distasteful to the members, unjust, and unfair.

At the Committee meeting the experiences of many of the lawyers engaged in this practice were given, but all of them made known that the conduct of which complaint has been made is not attributable to all of their clients.

Members of the committee also expressed themselves as being unwilling to do an injustice to any of the companies, but they are insisting that the practice of the offending companies should be made known to our members.

The Committee makes these recommendations for your consideration:

1. That a permanent committee should be named by the incoming President to continue the investigation of this subject matter and to pass upon complaints either of the attorneys or of the companies of

the reasonableness or unreasonableness of the charges made by the attorneys.

2. That wherever the attorney or the client in these cases has controversy as to the reasonableness of the fee. and it is agreeable to both parties, the controversy be submitted either to the Circuit Judge or the Chancellor of the district wherein the services were rendered, and with the understanding that the parties will abide by the decision, whether the fee is determined reasonable, or increased or lowered.

3. That the Secretary of the Association shall notify the said companies doing business in the State of the action taken by the Association on this report.

4. That the members of the Association be requested to submit to said permanent Committee their suggestions as to what should be the future action of the Association, so that the Committee can have the benefit of same and incorporate their findings and advise in their next report.

JOHN BRUNINI, Chairman.
EDWIN WHITE, Secretary.

THE PRESIDENT: What will you do with this report? It is very interesting. There are some recommendations in it. Do you wish to take them up seriatim or vote on them all together? Hearing no objection, we will vote on them all together. I will entertain a motion to adopt the recommendations.

MR. BRUNINI: Mr. President, I move the adoption of the report.

MR. N. VICK ROBBINS: I second the motion.

THE PRESIDENT: Any discussion? All in favor of the motion will say "Aye"; all opposed "No." The recommendations are duly adopted.

We have the chairman of the local committee on entertainment which has provided such wonderful entertainment for us while we are here—Mr. Brandon. We would like for him to make any announcements he may have with reference to our entertainment.

(Mr. Brandon did not respond.)

We will defer that until this afternoon.

The secretary has some announcements.

MR. W. W. CAPERS: Mr. President, ladies and gentlemen, the Honorable S. E. Travis, who is chairman of the standing committee on Pleading, Practice, and Procedure has asked me to announce that there will be a meeting of that committee at 4:15 this afternoon in the gold room of the Natchez Hotel. The Natchez Hotel is immediately across the street from the hotel where most of you are staying. Mr. Travis has also asked me to call the names of the members of that committee. They are as follows: Hon. S. E. Travis, Chairman; Messrs. J. P. Alexander, C. L. Garnett, C. L. Tubb, J. H. Price, W. C. Sweat, M. W. Reily, L. A. Smith, Jr., Homer Currie.

I have also been asked to announce that in the chancery court room, which is immediately adjacent to this building, there are certain documents of historic value which have been laid out for the inspection of these members of the Bar. They are written in the original Spanish and French. I think you will find them most interesting. Thank you, Mr. President.

THE PRESIDENT: We will have an address this afternoon by Dean Leon Green. We have quite a treat in store for us, and I would like for all of you to be in your places at ten minutes to two so that when he starts speaking there will not be confusion of finding seats.

I want to state further that the next committee report will be on an amendment to the constitution with reference to providing for the selection of an additional member to the Supreme Court. The members of that committee have reversed themselves, so that the report of that committee will not take more than five minutes. So I am going to ask Judge Frank E. Everett, to make a report for his Committee on the Manner of Selection of Judges, this afternoon, immediately after Dean Green's address.

We stand adjourned until two o'clock.

(Recessed at 12:30 P. M.)

THURSDAY AFTERNOON

September 5, 1935

The Mississippi State Bar re-convened at 2 p. m. at the Courthouse.

PRESIDENT WELLS in the Chair: Let the convention come to order.

I am going to let my good friend, the dean of the Law School of the University of Mississippi, Hon. T. C. Kimbrough, have the pleasure of introducing the distinguished speaker of the afternoon. Judge Kimbrough.

JUDGE KIMBROUGH: Mr. President, Ladies and Gentlemen, I assure you it is indeed a pleasure to introduce to you this afternoon our distinguished speaker for this occasion. It has been my privilege and pleasure to know the speaker for some time, and it was my pleasure to work with him in the law school at Northwestern last summer as a member of his summer law faculty.

I can say to you, in introducing him, I am not presenting to you an entire stranger; he lived in the state of Mississippi in his early days; his father and family were Mississippi people, so that we can almost claim him as our own. Our guest and speaker was for a number of years a prominent member of the Texas bar, his firm doing a large practice in the city of Austin. He was elected dean of the University of Texas Law School, later was made dean of the University of North Carolina School of Law, and subsequently served as professor of law at Yale.

He is now dean of the Northwestern School of Law, one of the

nation's greatest law schools. He is a great law school administrator and teacher.

It is, therefore, with great pleasure that I present to you Dean Leon Green, the speaker for the occasion. (Applause.)

(The members of the Bar arose.)

DEAN GREEN: Mr. President, Dean Kimbrough, Ladies and Gentlemen, I appreciate the very kind introduction of Dean Kimbrough. It is a pleasure, a distinguished honor, to be invited to talk to the Bar of the State of Mississippi. I have not known its members intimately; I have known, of course, of the history of your profession in this state through the books, but I must confess that my contacts with the living members of your profession have been very few. Yet judging from the contacts that I have had, the reputation of your Bar has not suffered any, and you will pardon me for a few moments if I cite to you some of your distinguished men whom I have known in life.

First, was one of the great teachers of the country, with whom I had the pleasure of studying law, a former chancellor of this state, Judge McLaurin, a professor at the University of Texas for many years.

Then there is the chief justice of this state, Judge Smith, who was a member of our faculty until a few years ago, and, once a member of the Northwestern law faculty, always a member; so therefore Judge Smith is one of the professors of our faculty, and we feel free to call on him any summer.

Judge Kimbrough is a member of our faculty. I want to say in this connection that Judge Kimbrough has made a great success in building the law school of the University of Mississippi. It is not only a pleasure but a great delight—and I speak for the entire teaching profession—to see the strides the school is making. I am sure that he has the support of outside states as he has your support.

Then there is a former member of your Bar, Judge R. V. Fletcher, a teacher of great standing in our school, whose personality is missed in our community, as I am sure you miss him from your community.

Then Mr. Beckett, formerly a member of this bar, teaches at our school when the Illinois Central can spare him for a little while.

Then, the Chancellor-elect of the University of Mississippi, A. B. Butts, I claim, since he was a student of mine for one summer, and I always told him that he needed to find a field that would absorb all of his boundless energy. In that election, I am sure he has found that place, much to his own happiness and to the delight of Mississippi.

Chief of the students who have come from Mississippi, there is Bob Whitfield; and there is Jack Deavours, whom some of you know. I have also contacted Professor McDougal and Prof. Farley, and others whom I do not, for the moment, recall.

Dean Kimbrough said something in regard to my family having been from this state. He is a little bit in error. I was only fortunate enough to draw a grandfather and a grandmother from this state,

and as I recall the family history, they came from this very vicinity, but I am not sure enough of the family history to vouch for all the details. You may well imagine my pleasure, my very great pleasure in being permitted to speak to you today.

As to what I should say to you, Mr. Wells took a poll of the Commissioners of the Mississippi State Bar, and, as I gather from the opinions expressed, they ruled out the subjects of Crime and Legal Education and Legal Ethics and Bar Reform and Law Reform as woods that had been hunted out. I took the hint and laid off, and I have suggested a new subject—in fact one so new I dare say no one here can guess what it is now. Even Chief Justice Smith, in coming over this morning—(I might say we settled all the affairs of the Association on this delightful trip from Jackson over here this morning, and there is nothing left for you to do except to approve and have a good time)—even Judge Smith could not guess what the subject of my remarks would be.

As to why I shall read to you rather than talk, I only do that for your own defense, because like a hunter on a trail having routed out a new varmint but could not get him treed and would have to call the dogs off, my speech might be all bark and no bite, and so if you will indulge me for a little while—I hope not too long—I shall attempt to tell you what I have written down.

The subject of my talk is The Administrative Process. You have all heard of judicial process, and now I hope to discuss some of the difficulties and dangers of what we are pleased to term The Administrative Process.

Today I desire to discuss the attack which has been under way for some years, and which is growing both in volume and intensity, upon what may be called the administrative process in democratic government. I desire to question the validity of this attack and to do so without becoming a proponent or defender of any particular undertaking in which the process has been utilized. My proposal is to examine the administrative process as it relates to governmental science. The subject is of interest generally, and of supreme interest to lawyers.

A few years ago one of our renowned legal scholars, in a series of addresses and articles, warned us against the encroachments of administrative agencies upon the jurisdiction of the courts. Some years later, a well known English statesman brought an even severer indictment in reference to government generally in his country. And lately a rising chorus of protests against administrative government and its resulting bureaucracy is heard on the part of lawyers everywhere. Despite these warnings, indictments, and protests, I inquire in all seriousness whether the lawyer, either as professional man or citizen, has any legitimate basis for hostility to the administrative process in our government.

I.

In the determination of such an inquiry, we naturally should turn first to an examination of the processes through which has been

developed the great body of principles which we call the law of the land. Happily those processes, at least in outline, are quite well known, and no detailed examination of the history of our law is required for such purpose, though such an examination would strengthen very greatly the force of developments which I hurriedly point out to you.

After the Norman Conquest, William did not abolish the then existing local English courts, but instead set up his own—the King's Court—which quickly came into serious competition with the local courts. The King's Court was an executive, or administrative body or council, constituted for many purposes, but chiefly, perhaps, for providing revenue, for preserving the King's peace, and protecting the rights of the King's men. But this Court rapidly grew in ascendancy and power, and afforded both a better and speedier justice than did the local courts. Out of it developed the three great common law courts of Exchequer, Common Pleas, and King's Bench. It was these courts which created the judicial process, and in the period of a few centuries developed the body and form and spirit of the common law. It was they that developed the remarkable administrative device of jury trial, and most of the other great safeguards of life, liberty, and property, upon which the Anglo-American people have relied for centuries and still rely. These courts likewise marked the first great separation of governmental powers, though it was centuries later before that separation was made complete.

Even so, long before they had matured, their jurisdiction had fallen short of many of the problems of the young English nation which demanded governmental adjustment. Justice was required which they could not, or at least, did not administer. The King (through his council) was still the highest source of justice and retained, as it were, a residuary judicial power. Appeals to him and his council were met by supplementary justice, administered primarily through the chancellor, who, incidentally, was a bureaucrat of the first order. From this exercise of power outside the courts, certain prerogative courts were set up—among which were the courts of Chancery, Star Chamber, and later the ecclesiastical and admiralty courts. From the Chancery Court, developed in time the full bloom system of equity jurisprudence. To this audience I need nothing more than mention the long struggle between the chancery and common law courts, with its great enrichment for the law, and with the final confluence of the two great systems of common law and equity jurisprudence into the present English court system, operating under procedure themselves the result of extended development and experience. Nor need I mention how these courts absorbed many special or competing courts along with so much of the jurisprudence of those courts as was found usable. Should anyone care to make the study, I think he should find in our own judicial history—though, of course, our history began far down the line of development—he should find a striking parallel in the steps by which our courts are apparently being integrated into a somewhat similar organization.

But the point I wish to emphasize is that both the common law and equity courts, as well as many other English courts which were set up over a period of nearly eight centuries, together with their several systems of jurisprudence, originated in purely administrative processes. From the direct delegation of executive power, they grew in organization and authority of their own, and through the processes which they developed, have afforded the English citizen the protection of which he has always boasted.

With the winning of American independence, our own first great problem was to fashion and stabilize a national government. The story of that struggle is well known to you. Let it suffice to say that in that effort, emphasis was concentrated upon the structure of the governmental organism and its various divisions. Probably the widest departure in governmental structure, at least in theory, accomplished in setting up the national government, was the clear cut tripartate division of functions, or the separation of governmental powers. In making that fundamental division, which had been in process of development since the Norman Conquest, courts as such were assumed and were given their structural place in the governmental order without serious difficulty. The greatest difficulties developed about the place of the executive, the representation of the various commonwealths in the legislative department of the new government, and in the powers to be accorded those two departments. But the point of emphasis which I would make is upon the fact that the nice adjustments between the three departments were not settled. Instead they were left open without, perhaps, any clear notion as to what the difficulties would be or how they could be settled. It was enough to formulate a national government in broad outline. This was the way of wisdom. Nothing but a process of trial and error could have been successful in making these adjustments, as our experience has so clearly demonstrated. But of more import to the immediate discussion, it has so come about that all the more important difficulties of the adjustments required in that new governmental machine have been thrown upon the judicial department, and it, through the process of trial and error—the very process through which both law and equity themselves were developed—has made the adjustments which have permitted the several divisions of our government to perform their functions with fair success. And thus has been developed that third great segment of the law of the land—which we are pleased to call *constitutional law.* In fact, in so far as the adjustments of the machinery of government are concerned, it can better be called *administrative* law, worked out more largely than we perhaps realize, by what could well be called an administrative court—at least a court exercising high administrative power.

Nor does the story stop here. Immediately upon the establishment of our national legislature, as well as the legislatures of the states, there began an extensive process of law-making with reference to the recognition and protection of the numerous private interests

of a new country. Again I need not more than mention the fact that out of this tremendous bulk and welter of legislation, most of the important adjustments by such legislation have reached either the Supreme Court of the United States or the Supreme Courts of the several states, courts singularly free to utilize the experience and wisdom of common law and equity courts everywhere. And again the result has been to refind that *legislation,* the fourth great source of the law of the land, through the same processes by which common law, equity, and constitutional law were all developed and refined. So great has been the influence of common law and equity upon the legislative product that not only is the raw product itself as it comes from the legislature wrapped as closely in their verbiage as legislators can make it, but by the time such legislation has gone through the courts, much of it frequently differs so little from the law as already recognized that we wonder why it was sought to be a matter of statute. Moreover, the tendency on the part of the profession at large, as indicated through the American Law Institute, the Commissioners on Uniform Laws, and other allied agencies, to rearticulate in some of the more important subject matters this great bulk of law, whatever may have been its method of development, into a single refined statement, is but recognition of that supremacy of law to which we as a people, and especially the lawyers of this country, are committed.

And permit me to digress for a moment to say that in these principles, of the common law, equity, constitutional law, and legislature—which we call the law of the land—are found our stability and security. They are our habits; they are our thoughts; they are our language; they represent the residue of centuries of struggle which produced us ourselves. We can no more escape them than we can step outside our skins. They conserve us far more than we conserve them. Our teachers think, speak, and act in them; our churchmen and journalists likewise; business men appeal to them; and even the demagogue must utilize them to get his momentary hearing. Human beings, as other creatures, do not make changes rapidly, even individually, much less in mass. On the other hand, we adjust, and more frequently, in adjusting, modify the situation to suit ourselves rather than ourselves to accommodate the situation. Our principles are so well worked out that all parties and all faiths and all teachings are overwhelmingly committed to them. They are so strong that I dare say if, by any stretch of the imagination, it could be conceived that we should attempt to adopt some strange form of government, the Anglo-American edition of such an attempt would differ so little from what we now have that I doubt anyone could recognize the difference. We should doubtless still have executive officials, legislative bodies, courts, and bureaucrats, organized such as they are now. Thus I should conclude that, in so far as the heritage of our institutions and our law is concerned, we have nothing to fear from the administrative process. Quite to the contrary, our courts, our judicial process, our jurisprudence, all had their origins

in that process and they still bear the unmistakable features of having been created in its image.

II.

Let us turn the inquiry in another direction.

Since our nation became what we may call well developed, our pioneering ended by the disappearance of the frontier. Our geographical boundaries defined, our exploitation of land and natural resources greatly slackened, the energies of our people have been turned largely to science. Science, at least so far as we can now conceive, has no frontiers and no boundaries. Invention and discovery, and their exploitation, have become our passion. Just as our development was nearing a point which we thought the beginning of a long period of stabilization, but which was in fact the end of such a period, all sorts of things began to happen. All within a few brief years, we began to do things, with the result that not a single field of thought or activity has escaped examination, not a single fashion has remained intact. We have, of course, been developing new methods, new processes, new machines, and new alignments, since the founding of our nation, and they have expanded our activities and powers beyond all comprehension. But they only reached flood stage during the past fifty years. In order that we may realize as fully as we can the tremendous impact they have made upon our thinking, our activities and our ways of living, permit me, even at the expense of tiring you, to catalog some of the more important ones, and as I name them, try to visualize what they have meant to our society.

In what may be termed the realm of Physics, are found the modern steam engine, gas engine, electric generator and motor, railroad, steamship, sawmill, cotton gin, street car, steam shovel, skyscraper, elevator, incandescent light, automobile, airplane, telegraph, telephone, X-ray, radio, typewriter, fountain pen, linotype, camera, high powered gun, battleship, torpedo, submarine, hard surfaced roads, harvester, thresher, tractor, oil drill, and the machines of household and industry without number.

In what may be called the realm of Chemistry, are found the processes by which iron, copper, lead, tin, oil, explosives, gasoline, sugar, rubber, paper, paints, fabrics, fertilizers, food products, and numerous other things considered essential to our existence have been made available in seemingly inexhaustible forms and quantities.

In what may be called the realm of Biology, may be mentioned such things as the progress made in live stock breeding; the development of new and improved grains, fruits, vegetables, and plant life generally; the discovery of germs, glands, vitamins, anasthetics, violet ray, serums; hygiene; birth control; and the defensive means against pests, disease, and decay.

Along with these have come like discoveries, inventions, and their exploitation in the social sciences. During this period have been developed public schools, public libraries, higher educational institutions, professional schools, laboratories, hospitals, Red Cross, "Y. M.

C. A.," public and private charitable institutions, the daily and periodical press, radio programs, movies, baseball, football, golf, cultural and civic organizations, the political machine, corporate forms of private business, advertising, the department store, commercial clubs, labor unions, the steam laundry, boy scouts, rapid transportation service of person and property, large cities and urban areas, credit institutions, checking account, savings bank, installment sale, rural free delivery, stock exchanges, boards of trade, co-operative marketing, numerous forms of insurance and investments, and scores of other such institutions which have come about largely in our own day.

To say that out of all these have come the good things of life in an abundance never before known to human beings is to give expression to the commonplace. Moreover, to say that they have produced unheard of problems for government is to say what everyone knows, but none of us fully appreciates. How our governmental organization has held up under the pressure and strains that these inventions and discoveries and their exploitations have created, requiring constant readjustment of the young nation's domestic life, can only be explained, it seems to me, in the light of the centuries of governmental discipline under which our thinking in matters of government has been developed. We have seen our wants multiplied a thousand fold. We have had them satisfied beyond belief. In turn we have been called upon to develop society's controls for the excessible power which they have given us. *How* have we provided the controls required for the powerful groups which have grown up about the enormous enterprises upon which whole communities, and in some instances, the nation, have become dependent for their economic existence—groups which have frequently challenged government itself? How have we afforded protection to individual citizens who are entitled to share the benefits of these good things of life? How have we gone about securing those liberties which we inherited and which were now threatened on every hand by the exploitation of the inventions and discoveries which our science had uncovered?

It seems to me that we have done, and are now doing, exactly what our fathers have done from the time of the Norman Conquest. For all of these new problems, we have adopted that most available and most reliable instrument of governmental science—the administrative process through which our fundamental institutions have been developed. This has been true not only nationally, but throughout the states. For example, after a long period of free reign given to our great railway transportation systems, during which they had become an essential part of our economic life and wellbeing, we came to the conclusion that they were not dealing fairly with the rest of us. We sought to subject them to government control. We set up railway or commerce commissions. It was not long until other utilities which we had encouraged, and which had developed about our great inventions, also became a part of our wellbeing. We likewise brought them under control, either by expanding our railway commissions, or by setting up separate commissions. Lately, we are dealing with

each of them even more drastically. Our insurance companies enjoyed a long period of growth uninterfered with by government. They too had become essential to our wellbeing. We thought they needed control and we created insurance commissions. Our great industrial and trade enterprises, through which our goods were produced and marketed, grew into the fabric of our country's life in much the same way. We came to the conclusion that some of their hurtful practices should be eliminated. We tried to do this at first through the courts, by means of anti-trust laws and the like, but they too have now come under the control of commissions. Banking, securities, highways, production and marketing of natural resources, the means of communications, and other such activities believed vital to our welfare, have all been brought under similar agencies. Moreover, other difficult problems, as those arising out of public education, health, amusements, relief of the poor and aged, labor organizations, have also come under administrative governmental control. Every single activity which has developed problems beyond the processes of our orthodox agencies of legislature and courts has been handled in some such method, so that today we have hundreds of such agencies at work.

Science, whether in society at large or in government, requires free hands, hands which can make experiments, trials and errors, failures and successes. It is the only method that science knows. Principles and rules never precede science, they follow it. Science makes law, not the reverse. After we have found out what we want to do and how to do it, we can reduce our processes to principles and rules, but not before. New things are not done by rules. Rules come as a result of the desire to perpetuate what we have discovered. All the science we have in government, as is true with other things, has been the result of experimentation. And by and large, the administration agency has been the instrument which government has employed for its experiments. The administrative agency gives governmental science a free hand to experiment. It is a response to science. It is merely a group of men set to work to bring under control some problem which is too little understood to be handled by the more basic departments of government. Even so, such an agency is not set apart from governmental control. It is still subject to all the restrictions imposed by the basic principles of government. It is still subject to the king's power, even though that power has been divided under our form of government into three divisions. It is simply freed from the restrictions of the highly specialized techniques which have been developed for handling problems already worked out. In its investigations and orders it is still subject to the basic procedures of the judicial process, but is freed from the details of such procedures. In its making of rules it must still conform to the basic ideas of the legislative process, but it is freed from the formalities of that process. Moreover, while it is given the power of action, that action must conform to the principles of executive action as established generally. And to insure that it does not go

beyond these basic processes, its findings and orders, its rules, and its executions are still subject to revision and control by the processes of the courts.

How unwise it would have been to have thrown upon our courts all of the new problems, brought about by our wholesale exploitation of our inventions and discoveries, before reliable processes for handling them had been worked out. It is enough that our courts should superintend; they would inevitably have broken down under the strain of detail. We made that mistake in attempting to deal with the national liquor problem. The result was that our courts were so completely clogged with mere police matters that they could not do their more important business. We learned an earlier lesson in attempting to handle the personal injuries of industrial workmen through the courts. Reluctantly we took them away from the courts, but after doing so we found that the administrative agency was far more adaptable to the type of problem involved. There is a growing feeling that a similar treatment of the injuries caused by the automobile and other transportation machines may be the part of wisdom. I have already noted the failure of our anti-trust laws to meet the abuses of trade. We are finding that, in many situations, the administrative agency is a necessary implement of legislative machinery, and at the same time an equally necessary preliminary process for the successful working of the judicial process itself. It offers the opportunity through which the difficulties of a problem can be discovered, the experience by which the people who are to deal with such difficulties may be trained, and the mechanism to fashion the particular processes fitted for handling the problems, whether they be those of one department of government or the other. And I think we are already beginning to realize that, through some of the earlier established agencies, processes are being developed which in themselves are taking on all the earmarks of the judicial process itself, and that as this comes to be true, we are witnessing in fact a return from administration to law, as has been the case with every experiment of the sort since the very first departure from the orthodox court process, found in the development of a court of chancery. In brief, any successful administrative agency either tends to develop into a court itself, or else develops means of handling its problems which can be taken over by existing courts.

The process is a flexible one, which permits the public's interest, as well as that of the individual, to be protected through ways and means to be worked out, modified, and made effective as the enterprise itself, over which control is sought, grows and changes form. Its success depends primarily upon the intelligence and integrity of the particular administrators selected to deal with the particular problem. They are given relatively free hands it is true, but always subject to supervision by the executive, modification or withdrawal of power by the legislature, and approval by the courts. Administrators are men, and thus it is that such a method of government, acting without set rules, is so largely one of men rather than laws. But as

the processes for protecting the interests involved are worked out and stabilized in terms of principles and rules, we may expect a swing back to a government of laws as well as men. In other words, periods of great scientific and governmental activity are necessarily periods of administration, while periods of stabilization are periods of law.

III.

Let us turn the inquiry briefly in still another direction. With this wholesale turn to science and experiment both in our everyday life and in government, and with at least passing success in both, we are experiencing a reaction upon the older and more stabilized structures and processes of government. The powers of executives—the President, governors, and mayors—have increased enormously. In fact, many have feared that the tendency in this direction might be productive of a too great ascendancy of the executive branch of government. I dare say the administrative agency, with its scope of function dependent upon legislative authority, and its performance dependent upon judicial approval, leaves little ground for that apprehension.

We might as well expect an abnormal legislative ascendancy. The tendencies are every whit as foreboding. Legislative bodies seem highly subject to the pressure of organized groups. They do their work through committees instead of the body at large as was at first contemplated. Party organizations seem able to focus their power more successfully upon such bodies than upon other divisions of government. They are elected more frequently. Strict party organization permits them to hold their unwieldly bodies in leash while party programs are enacted into law. Their powers of investigation afford unlimited opportunities for oppression. Moreover, the tendency to reorganize their machinery into that of a single house, as in Nebraska, and the setting up of agenda committees between sessions, as in Kansas, for the purpose of preparing legislative programs, is a very distinct clearing of their decks for playing a more decisive role in the affairs of the government.

The courts themselves have not escaped the impulse of the administrative process. The federal courts, and some of the state courts, which were formerly made up of so many independent units, are being rapidly welded into well integrated judicial systems, under the administration of strong judges at the top. Indeed, the reaction of the courts to science strikes still deeper. Judges everywhere are reclaiming the power to make the rules which govern their procedure, to exercise a strict supervision over the legal profession, and other such important functions. Administrative agencies, such as judicial councils, integrated bars, boards of bar examiners, and the like, are vivid indications of this expansion of power. Moreover, they are simplifying and coordinating their legal theories so that they put emphasis upon *administration* rather than upon the exactitudes of law. Courts were never so insistent and so articulate in the assertion of their power. Is not a too great judicial supremacy equally to be feared?

There is also a distinct movement in local government to consolidate villages, districts, towns, cities, and counties into more comprehensive governmental units. Science is forcing the issue. The more we see of waste, the heavier the tax burden, the incessant increase of conflicts of authority and function, the absurdity of government piled upon government, the more they fail to meet the demands we make of them, the more insistent we shall be that these units of government be reorganized along simpler lines. This means the elimination of numerous useless elective officials. It means directness. It means bureaucracy. It means that the administrative process will be at a premium. May it not be said that local government is in danger of becoming so well organized, so autocratic, that the individual shall be denied many of the licenses, if not liberties, which he has heretofore enjoyed?

It is true that executive power has expanded enormously in recent years. It is equally true that both legislative and judicial power have likewise expanded. Government in every phase of its activities has so expanded. Is this a basis for alarm? Is it a basis for becoming so excited that we charge anyone who voices an opposing opinion with being a public enemy? Is it a basis for charging our officials, irrespective of party, with the perversion of their powers? We are not stupid enough to believe that this expansion has been due either to the desire for personal agrandizement by officials or to their lack of ability or statesmanship. Their vanities and shortcomings are not appreciably different from those of their prodecessors. Nor can we lightly pass it off by attributing it to the machinations of "Reds," or Republicans, or bureaucrats, or Democrats, or socialists, or facists, or pacifists. Those are the horribles paraded by political orators and party men panting for office. We know that the growth of governmental power is symptomatic of something far deeper. If we think at all, we know that the processes by which we work and trade and live and pursue our desires have become so intensified, so interrelated, so refined and complex, that government has no choice other than to develop processes which are designed to make adjustments of our refined and conflicting interests, or else acknowledge its defeat. And we know even more certainly that Anglo-American government has never yet acknowledged such defeat as long as its constituents or any large number of them have been in distress. The simple truth is that our government has grown strong because we are not satisfied with any other sort. No weak executive, no supine legislature, no dodging court has ever appealed to us. We are a wilful lot. We require strong government to withstand the pressure to which we as citizens subject it. We do not want a weak government. We want a *well balanced* government, and one strong in every department.

IV.

Many citizens are very much frightened at the developments taking place in government. They want to call a halt on the waste, the dangers, the cost of it all. But science has always been high priced.

It has always been wasteful and has always been dangerous. Visualize, if you can, the millions of lives and limbs sacrificed, and still being sacrificed, to the uses of steam, gas, and electricity; those other millions who have paid the price for our explosives, bathtubs, and medicines, and many other benefactions which science has given us. Estimate, if you can, the thousands of hard earned fortunes which have been sunk in the ventures through which the corporate structure of modern business has been developed. What price in human suffering have we paid and continue to pay for the daily press? How many human beings have been made wretched by the teachings of our public schools and universities? How many bungling engineers, crude workmen, ignorant teachers, crooked lawyers, ruthless traders, dishonest bankers, and malicious editors have we endured? But would we give up those activities? Are we prepared to pay the still further price required to bring them under control?

So with scientific government. Cost what it may, we have set our hearts on it. Our science gives us the good things of life beyond measure. We are asking our governmental scientists to provide the protection which will make us secure in their enjoyment. And I dare say today, as desperate as we believe things to be, we have more liberties, more freedom, more privileges, more powers, more safeguards, than human beings have ever enjoyed in any other period of their existence.

But the good things in life are probably balanced by the dangers which they create. The freedom of locomotion given by the automobile imperils the life and limbs of every citizen of our country. The freedom of the press may at any moment subject the good name of any citizen to irreparable hurt. The wide range of the radio may impair within the brief space of a few weeks the business of any trader built up by the patient and laborious efforts of a lifetime. With the creation of every beneficent machine, comes a train of dangers in its wake. Likewise with political agencies. Political power is probably as dangerous as any other power. Its easy mobilization is no guarantee of good government. Political power, which can be concentrated and focused overnight by a statesman, is equally at the command of a demagogue. Political agencies can be utilized for good or bad. Science can be destructive as well as creative. It is always the one and the other. There is no guarantee for our society to be found in our science, except as it is found in ourselves to entrust its inventions and the power they create to minds and hands which use them for the protection of our interests. And if our science succeeds in setting us free, it will only do so at the price of developing governmental controls through which our freedoms can be protected—controls through which we can resist those who would use our science against us.

The dangers which give the greatest concern are not to be found, however, either in demagogues or dictators, or even in those political fringes we call "Reds." The dangers of government through administrative agencies are the same as found in government through

any other agencies; the same that were so uppermost in the making of our Constitution and the early days of the republic—the selfish interests, the bickerings, the stubbornness of those we call intelligent citizens. And there is no group where such disintegrating forces have been, and still are, so strong, as among the members of our own profession. We are as prone to find fault and complain of our leaders, irrespective of time or party, as were the children of Israel during their stay in the wilderness. As trained as we are to know the processes of government and to realize that their approximations are frequently the fullest successes, yet we talk as though they should perform with all the precision of machines. It has taken a life's span to perfect the gas machine, the simple machine that it is, although the resources of brain and finance, spurred by the competition of trade, were engaged in the attempt. We, as citizens, know the fact. Yet, as lawyers, we rise in rebellion if a tremendously more complex organism such as an interstate commerce commission, a federal trade commission, a securities commission, or other such control for some intricate problem is not perfected in a twinkling as it were. If it pinches a client, we are ready to junk it. We forget the price we have paid and continue to pay for railroads, labor unions, public schools, and universities, and the ruthlessness with which we have built many of our industries and institutions of trade. We do not count their costs in terms of waste or hurts, or even in terms of capital expended legitimately. We count them in terms of human happiness and gain. Should we do otherwise in respect to the instrumentalities of government? The legitimate inquiry in either case is the ultimate balance of gains. We cannot expect to develop a successful government without waste and cost, and dangers as well, and they are terrifying enough without being exaggerated by those who should know better.

Inventions and scientific discoveries have created for our traders, industrialists, and farmers, frontiers which offer all the romance and adventure of pioneer life. Their horizons seem to recede indefinitely. The quantity, quality, and variety of goods they can make available appear to be limitless. The natural sciences have made boundless provision for human subsistence and human happiness. The major problem that remains for solution is how to make available for human beings those good things of life which science has so abundantly provided. The consuming capacity and the wants of human beings are still in large part unsatisfied. Their cravings are still unabated. How can that inexhaustible supply of goods be made available for those who can use them and who want them? *This is a problem of social science, and in it government everywhere has met its most serious challenge.* It can not be solved by epithets. It is beyond the range of tirade or declamation. It is only soluble in the strong acids of practical science—trial and error. What other solution has ever been found for any problem? It offers frontiers for the lawyer and his fellow workers which rival those afforded by any other problem to any other group in human history. The struggle will be

a serious one before it is solved. And can you think for a moment that the lawyers of this country, and especially the younger ones, will be denied the satisfactions which come from battling in such a cause? Do you think the blood which dared the experiment of American constitutional government—the greatest governmental experiment in history—has run so thin that it lacks the courage to put that government to the test in the solution of this problem? Does anyone think that the profession which has so long borne the brunt in the struggle for free government, which has yet to taste ultimate defeat in any of the struggles, will be willing to give up the fight at this stage of the battle for human freedom? Whatever the price, we shall see it through. There will be those who will clamor to turn back. Some will quit and run. Some will counsel turning against and overthrowing their leaders, whether of your party or mine. Some will go mad, and their wailings will be painful to hear. But the great procession of American lawyers, as other American citizens, will never surrender the gains their science has given them, nor quit the battle for human freedom in its fullest sense until it is won. And no one who knows the part that the administrative process has played in the struggle for human freedom has any doubt or any fear as to the part it will continue to play in that struggle. I thank you. (Applause.)

THE PRESIDENT: Dean Green, we are indeed profoundly grateful to you for this scholarly, instructive, and pleasing address, which you have brought to us this afternoon. We have learned something—I am sure I have—we all have. I presume Dean Green has learned something on his trip down here. He has traveled far and wide, but the latter part of this trip he took on a mixed freight and passenger train from Jackson to Natchez, and I expect he is somewhat in the attitude of the soldier on his return from the World War: He had had various experiences abroad, and when he came back he was invited to deliver a public address. He got up on the platform and stated that he had been everywhere, seen everything, and knew everything. About that time, an old mountaineer stood up and he said, "Son, have you ever had delirium tremens?" He said, "No, sir." The mountaineer then said, "Well, you ain't seen nothin' and you don' know nothin'." Dean Green, you have learned something. We are profoundly grateful to you for coming down and bringing to us, as I have said, this scholarly address.

JUDGE W. H. POWELL: I do not think we ought to let it go at that. I think we should give the distinguished gentleman a rising vote of thanks, and I make that motion, that we give Dean Green a rising vote of thanks.

(The motion was seconded.)

THE PRESIDENT: All in favor of the motion will rise and thus thank Dean Green for the magnificent address.

(All rise.)

Be seated please. Judge Powell always suggests the right and proper thing.

I thought Judge Powell was joking this morning when he announced that he planted the tree on the campus of the University of Mississippi out of which this gavel was made. I am informed that he was in dead earnest when he said he planted the tree on the University of Mississippi campus, so I withdraw all of my witticism and admit its truth.

JUDGE W. H. POWELL: At the risk of being tiresome, when the wife of my distinguished friend, Judge Kimbrough, made the remark that the gavel was made out of wood from a tree on the University of Mississippi campus, I innocently requested to know whether it was made out of a tree that I planted, and I rise to the point of personal privilege to resent the seeming doubt cast upon that inquiry by our distinguished president. When the wife of my good friend, Dean Kimbrough, said she endorsed anything I said, I think it is proper for me to keep the record straight and reiterate the statement that my class was the first class that started the reforestation of the campus of Ole Miss, and I was delegated by that class to plant the first tree, and I planted in its roots the dissertations of Horace and Cicero to keep it alive. My inquiry was a pertinent one, and one made in good faith, when I requested to know whether the gavel was made out of that tree. When my good friend said that that gavel was made from a tree on the campus, I remarked that it was made—or rather I asked if it was made from the tree I planted—and I said I believed it was; and the wife of my good friend said she would believe anything I said, and I said I planted the first tree on that campus, and I hope that first tree is now living and that gavel is made out of that tree. (Applause.)

THE PRESIDENT: In view of the fact that Mrs. Kimbrough says the tree is one hundred years old, I stand corrected; I know you are right, Judge Powell.

JUDGE G. GARLAND LYELL: I want to ask if they all rode the same jack.

THE PRESIDENT: Now having gotten straight on the subject of the gavel and the age of Judge Powell, we pass to the next subject on the program—the report of the committee on amendment of the constitution of the state of Mississippi with reference to providing for the selection of an additional member to the supreme court, Hon. W. G. Roberds, Chairman.

MR. ROBERDS: The special committee appointed to consider this question, after investigation, recommended to the Bar Commissioners that no further steps be taken to create an additional judgeship. (Applause.)

In other words, the committee was appointed to do a certain thing, and we solved it by recommending that it be not done. However, the committee, in its report, did suggest to the Commissioners, if the Commissioners did not agree with the report and the recommendation, that they might consider three plans for creating an additional judgeship. Those three plans were set out in the report the committee drafted and attached to the report, as part of it, amendments to the

constitution which the committee thought would carry out each plan. However, the commissioners approved the recommendation that no further steps be taken; therefore, with that status of the matter, there seems to be no report for me to make, and therefor our labor-saving device was doubly effective. (Applause.)

THE PRESIDENT: I am going to ask Mr. Brandon, the chairman of the local entertainment committee, to make an announcement.

MR. GERARD BRANDON: Permit me first to make an announcement that was handed to me by the Honorable R. C. Bennett, Judge of the 6th Circuit Court District. He asks that I notify all circuit judges attending the convention to meet at 8:30 Friday morning in jury room number two of the courthouse, which is just back of the convention hall. It is also requested that all district attorneys attending the convention attend that meeting.

Now, with reference to the program for your entertainment, you have all been furnished copies of the printed program. However, I desire to make such explanation as you may need for your better enjoyment of the entertainment features we have endeavored to provide for you.

Starting with this afternoon, there is listed for 4:00 P. M. a reception for ladies by the wives of the Adams County Bar Association at Greenleaves (Beltzhoover Mansion). The hour has been changed by request of the ladies to 5:30 P. M. I have also been requested to announce that, inasmuch as several of the gentlemen attending the convention have expressed a desire to attend the reception, and the ladies being ever anxious to please, all gentlemen who desire to attend will be more than welcome. I will say this, that Greenleaves, the home of Mr. Beltzhoover, is one of the most attractive ante bellum mansions of Natchez. Those of you who attend this reception, I am sure, will enjoy yourselves thoroughly and will be given a real treat in what we term southern hospitality, as we endeavor to hand it out in Natchez.

At four P. M., which will be immediately after the recess of this meeting, there has been provided a horseshoe pitching contest of those members of the Bar who want to keep in practice in slinging whatever they desire to sling. I understand we have quite a few horseshoe pitchers in the Bar, and arrangements have been made for a real contest; valuable and appropriate prizes will be awarded. The contest is under the management of the Hon. T. W. Davis, being assisted by the local committee, the chairman of which is Mr. C. F. Burns of Natchez. The contest will be held at what is termed the city park—better known as Auburn or Duncan park, just on the outskirts of the city. At such a distance, you will need to ride rather than walk. We have not made ample provision for your transportation, I am sorry to say, believing that most of you were in your automobiles. Those of you who are in cars inquire of others who do not have transportation.

At 9:00 P. M., immediately before the annual ball, there will be

held on the roof of the Eola Hotel an old-fashioned square dance, music by old-time fiddlers, led by the Hon. W. F. Tucker and his daughter, Miss Lillian Tucker of Woodville. All are invited to participate in the dance. The square dance will be made a success by your participation. Prepare yourself ahead for a good time and come and enjoy yourselves.

Immediately after the square dance, we will go into the formality of the annual ball. For this occasion, we have an outstanding orchestra to render the music, and you are assured of more than a sufficient number of attractive dance partners.

A VOICE: What do you mean by prepare yourself?

JUDGE POWELL: What time and where?

MR. BRANDON: Nine o'clock.

JUDGE POWELL: Is there an elevator?

MR. BRANDON: Yes, and there is a wall, and it is entirely safe. The dance will last just as late as you feel like dancing. That will conclude today's and tonight's festivities.

Tomorrow morning, there is listed at 10 o'clock, for ladies and guests, a garden pilgrimage at ante bellum mansions of Natchez. I will say, too, gentlemen are again invited, the attorneys attending this convention, those of you who care to visit these ante bellum mansions, those of you who prefer to make that pilgrimage rather than attend the session here, you will be more than welcome. Of course, the duties of the convention require most of you to be here, and, of course, the President desires you to be here, but those of you who desire to go on this pilgrimage are cordially invited to attend. Again we ask those of you having cars to assist us by using your cars. We will have, however, a number of cars available, and have a number of young ladies and matrons of the city on hand to conduct you on this tour. Some six homes, I believe, will be open. We have endeavored to select those of most interest to the Bar; they are homes of a number of the earlier practitioners and distinguished jurists of this state. There will be delivered to you, just before you go upon this pilgrimage, a sheet of paper giving something of the history of each of the homes that you will find of interest. We urge that you be prompt and be ready in the lobby of the Eola Hotel to receive instructions as to how to proceed, because the tour will probably cover the better part of two hours' time.

Tomorrow afternoon at four o'clock and lasting until 7 P. M., there will be a boat ride upon the Mississippi River; that is for all the ladies and gentlemen attending this convention. We understand that the vessel will be the Mississippian; we have not definitely ascertained that. However, it will be one of the government boats that the government has so kindly furnished us for this occasion. A safe vessel and a good time is promised to all.

Tomorrow evening at 8:30, there will be held the annual banquet for the members of the Mississippi State Bar, their wives and guests, on the roof of the Eola Hotel. For this banquet, a very attractive

and interesting program has been arranged; novel and entertaining as well.

That will conclude the major features of the entertainment program, with the exception that on Saturday morning, if there are ladies still here who may wish to go upon an automobile ride, the ladies of Natchez will be delighted to have them.

JUDGE POWELL: There are some important papers for tomorrow, Saturday, don't you think?

THE PRESIDENT: I am endeavoring to arrange that. The next matter we will take up will be the report of Hon. Frank E. Everett, Chairman of the Committee on Manner of Selection of Judges, which, on the program, was set for Saturday morning at nine o'clock. We will endeavor, and we hope we will be able to get in, all of Saturday's program before we adjourn Friday afternoon, if it be the desire of the majority of the convention to adjourn finally Friday evening. It is absolutely immaterial to me whether we adjourn then, or go over through Saturday, but I shall endeavor to carry out the wish of the convention in all things as far as possible.

MR. W. H. WATKINS: Why not carry that over?

THE PRESIDENT: We will see; we may be able to work out something along that line.

I would like for Judge Everett to come forward and make his report.

JUDGE FRANK E. EVERETT: Mr. President, ladies and gentlemen of the Bar: Having to follow so closely with a paper after the magnificent address of Dean Green rather puts a country boy on the spot. However, my early training, which began over here just across the line in Franklin county, under the shade of an oak tree, before a justice of the peace sitting on a keg whittling a stick, taught me simply to back my ears and dive in.

What I have to say to you this afternoon is short. I am going to try to keep it to the point. It is simply an opening wedge, and I earnestly hope that the lawyers present will take it up and discuss it from the floor and express themselves fully and freely with reference to it, because I believe it is a matter of importance to the Bar of Mississippi.

What I shall have to say I have reduced to writing, for several reasons; first, there is some data that could not be kept on the finger tips; second, I don't want to be misunderstood by anybody; and, third, I want to be able to stop when I get through. So if you will bear with me, I will present to you briefly the question as I see it—the question of selection of judges in Mississippi.

In presenting the question of a change in the manner of selecting judges of our several courts, I hope to show that such a change is important, not only to the lawyers, but to the general public as well, for it is the interests and property rights of the individuals that are litigated and decided by the courts, and not the personal interests of the members of the bar.

I would have it understood that I criticize no court, no judge,

and no individual, but my criticism is directed to the method of selecting that individual to a judicial position.

In considering such a change in the method of selecting judges, we are first confronted with the task of amending the Constitution so as to get away from the election of judges by popular vote, (which I admit is rather a hard task, but not at all impossible if attacked in the proper way).

It is my purpose to give to the bar first, my idea of the proper changes, and follow that with my reasons for such changes. I would seek, through constitutional amendments, to repeal Sections 145, 153, and 286 of the Constitution, and any other sections with reference to the election of judges so as to create a Supreme Court consisting of five or seven judges (preferably five) to be appointed by the Governor, as the present members terms expire, or are vacated, from a list of lawyers presented to the Governor by the Bar Commissioners, after the Secretary of the State Bar Commission shall have submitted a ballot to each lawyer of the state, in order that he might vote for his choice as Supreme Court Judges, the list submitted to the Governor to contain not less than three, nor more than five names for each place to be filled, the names submitted being those lawyers receiving the highest number of ballots by the members of the bar; and in the case of Circuit Judges, Chancellors, and County Judges, the same shall be appointed by the Governor from a list of names not to exceed three submitted to him, after the Secretary of the Bar Commission has submitted to the lawyers of the particular district or county where a judge or chancellor is to be appointed, a ballot, in order that the lawyers of that district or county may specify their choice for judge of that district or county, the names presented to the Governor by the Bar Commission to be the three lawyers in the district or county receiving the highest number of votes by the bar of the district or county.

I am advised that of the forty-nine states, sixteen have the appointive system, some by the Governor and some by the Legislature, and thirty-three the elective system. Some of those holding to the appointive system are: Connecticut Delaware, New Hampshire, New Jersey, Rhode Island, South Carolina, Maine, Massachusetts, Virginia, and Vermont. Florida appoints its trial judges, and elects its appellate judges, I am advised.

Of the thirty-three states now having the elective system, the bar associations, either directly or through committees, in thirteen of these states, are now endeavoring to get from under the elective system, by advocating an amendment to their constitutions. California has led the way and carried an election by a handsome majority to amend its constitution to go back to the appointive system. These thirteen states are: California, Georgia, Indiana, Michigan, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Florida (to the extent of its elective judges).

There are necessarily reasons for this dissatisfaction with the elective system, or these states would not advocate a change. Out

of the eleven states named above as having the appointive system, to a questionnaire sent out by the American Bar Association as to whether or not a change was desired, nine answered "No," and two had not been heard from at the time of my information.

In advocating a change in the system of selecting judges, the questions necessarily presented are: First: Is the present system satisfactory? and second: Do the judges so selected measure up in the fullest degree to the legal ability necessarily required, that full and impartial justice be done? If the verdict of the press of Mississippi and the men on the streets are to be considered, then those two questions must be answered "No."

Some of the objections to the elective system are: That political influences and alliances overwhelmingly obscure and outweigh merit in judicial candidates; that judges who want to perform their full duty are often embarrassed in the decision of certain cases because of public sentiment and political alignments. We have recently seen political influence dominate a judicial election in a neighboring state.

In all states fostering an elective judiciary, it is an admitted fact that there are men, popular in the public eye, filling judicial positions regardless of qualifications. It is common knowledge among lawyers, that some of the poorest advocates at the bar, and some of the poorest politicians, make far better judges than some of the best politicians and advocates at the bar. It is not the man who can take every legal advantage in the trial of his case that makes a good judge, and because of the fact that lawyers must enter a political campaign, some of our ablest lawyers, and men best qualified for judicial positions, refuse to enter a contest and submit themselves to political abuse and insult.

Judges are human beings, and they are not immune to influences which will affect their election or re-election and are often embarrassed by would be political bosses, and unless they play politics themselves, they must go down in defeat, and a large part of the criticism of the bench and bar is brought about by political alignments.

Then again, the bar of Mississippi is wholly responsible for the personnel, the qualifications, and the ability of the bench of Mississippi. The bench necessarily comes from the bar, and is no better or stronger than the bar.

The lawyers of Mississippi must necessarily take upon themselves the whole responsibility for the administration of justice in this state, and to that end they are wholly responsible for the administration of the judicial department of the state. The trial judge is the most important agent in the administration of the law, and upon his ability and the integrity expressed by his decisions hangs the success or failure of business and the happiness of humanity.

The bar of Mississippi is an able bar. Lawyers from Mississippi have made good in every state of the Union to which they have immigrated. They have made good as judges and as citizens. They are not afraid to take the responsibility of the administration of the

entire judicial system of Mississippi, if they are given a voice in the selection of their fellow members who are to serve as judges, and if the bar of Mississippi is to be responsible for the administration of the judicial system, then certainly the bar of Mississippi should have the right to name the judges for whom they are held responsible.

If this Bar Association will take steps for a greater and better administration of the laws, and to clear from its ranks those who would resort to unethical and unprofessional methods in his practice, and let it be known we mean business, every civic organization will join hands with this Association to give it full and complete control of the administration of the judicial system in Mississippi, and I trust that at this meeting of this Association, the Mississippi Bar will join the several states above mentioned and fight for the rights of the bar to dominate the judicial system and remove it from politics and factional domination.

We are only a week from one of the bitterest political campaigns that was ever staged in Mississippi, where every scheme and device known to the ingenuity of mankind was resorted to for the purpose of obtaining votes from the masses. Epithet upon epithet has been applied and reapplied. Personalities have been freely indulged in. The lie has been passed oftener, and there have been fewer fist-fights, than in any campaign in the history of Mississippi politics. It is from such conditions that I desire to withdraw the judicial system.

And to that end, Mr. President, I beg to submit for consideration of this Association the following resolution:

Be it resolved by the Mississippi State Bar now in session: That the Mississippi State Bar approves the repeal of the Sections of the state constitution relating to the election of judges of all courts, and the adoption of amendments providing for the appointment of all judges by the Governor from lists of names of lawyers recommended by the bar of the State for Supreme Court Judges, and from a list of names approved by the bar of the districts or county for district judges and chancellors and county judges—in counties having a county judge—which lists shall be supplied to the Governor through the Bar Commission, after the bar of the state, or of the particular district or county, shall have voted upon the names of lawyers to fill such judicial positions, and from which lists the Governor shall make such appointments, and:

Be it further resolved: That the incoming president of this Association be, and is, hereby authorized to appoint from the bar a committee to work for such amendments.

I move the adoption of this resolution.

THE PRESIDENT: Does the motion receive a second?

(The motion was seconded.)

THE PRESIDENT: It is now open for discussion on the floor. This is an open forum. It is desired by me that we have a full discussion, and that free expression will be made as to how you feel, and the floor is open to you.

MR. GARNETT: Mr. President, ladies, and gentlemen, I be-

lieve while here some of you will visit Monmouth, the home of John A. Quitman, a distinguished soldier of the Mexican War, and afterwards governor of Mississippi. Before he achieved eminence as a soldier, he was a distinguished chancellor of Mississippi. In the Constitutional Convention of 1832, Chancellor Quitman was chairman of the judiciary committee, and as chairman of the judiciary committee, he vigorously opposed the election of judges as proposed in that convention. But the convention disregarded his objection, and in that constitution judges were made elective. Twelve years afterward General Quitman wrote a letter in which he stated that, after observing the elective system for twelve years, none of the things had happened which he thought would happen when the change was made, and he had reached the conclusion that the elective system was the best system for selecting judges.

My own experience has been identical with that of General Quitman. I voted against the amendment to make the judges elective: I was in favor of the appointive system as it existed for a number of years, but after observing the elective system, none of the things have happened which I thought would happen when it was adopted, and I have reached the conclusion that, all things considered, it is just about the best way to get our judges.

I admit a mistake will be made sometimes by the electorate, but that will happen under any system. Let us all be honest in this association. You know we lawyers are great traders ourselves, especially during election years, and I think that in electing or recommending judges, there would be a great deal of swapping. As for the districts in which I have appeared as a lawyer, we have got just about as good chancellors and as good circuit judges as we could have expected to get from the judicial material available. I have no complaint to make of the men before whom I have appeared under the elective system; we have had more stability and more certainty in the judicial offices under the elective system than we had under the appointive system. That is certainly so as to the chancellors and circuit judges in the districts in which I have appeared; we have gotten just about the chancellors and circuit judges that we wanted elected. As for myself, I have no complaint to make in my districts, and I am satisfied to let the law stand as it is. (Applause.)

JUDGE W. H. POWELL: I have great respect for my friend Garnett, but when he was in the sophomore class I was practicing at the bar. A few years before, we were appointing judges; in Reconstruction Days, we had a judge from Massachusetts who never read a line of law in his life; before that, we had a judge from New Hampshire. I belong to that old line of Democrats. Just like my friend said as to the ability of the judges and chancellors of his district, I can say for my district the same thing, for we never had a better chancellor than we have in Montgomery, and we never had a better circuit judge than Alexander, and we've always had the best judges and chancellors in our district in the state, by far. He loses sight of the fact that, by the elective system, the judge sacrifices

part of the dignity of the office by going around asking that people vote for him for the office; they are the safeguard of our legal right and pursuit of happiness, and they ought to be strangers to the popular suffrage; that's the way I think about it.

As a man practicing under the appointive and elective system for nearly sixty years—and what I say to you is said to you older men and to younger men as well—; as a result of my personal experience; the point I make is this: a judge ought not to be subjected to the necessity of going around through the district and asking you or me or anybody else to vote for him, because it is not in keeping with the dignity of his office. A man in my district came to my office, and I said "What do you want?" He said "I came around to see you; I am running for judge." You know what I said? I said to him: "Julian" (I called him by name) "it is a d—— shame that a man of your learning and your ability should have to come and ask me or anybody else to vote for him." (Applause.)

THE PRESIDENT: Will you turn this way and speak a little louder so the stenographer can get it down?

JUDGE POWELL: I am not talking to the proletariat. When I argue my case, I appeal to the jury and not to the audience. I don't care what the audience thinks about what I say.

THE PRESIDENT: Thousands will want to know what you think about it.

JUDGE POWELL: I hate to oppose my good friend Garnett, but I do hate to see the judges put to the necessity of going around asking the people to vote for them. I wish to spare them, my friend. I don't care what you think about it, my young friend, but I want to spare the circuit judge, the supreme court judge, and the chancellor, the mortification of going around and asking a man to vote for them, when none of the people that they ask know anything about their qualifications—not more than one per cent. And that is my chief objection to the present system, and I say let's return to the appointive system. Let's adopt that resolution, regardless of what my friend Garnett says. I don't care who his chancellor and judges are; if they are as good as they are in my district, they are first class. (Applause.)

THE PRESIDENT: The time has come under our program for an adjournment, and I wish the benefit of your judgment. Do you wish to extend thirty minutes and take a vote on these recommendations, or do you wish to adjourn?

HON. R. M. KELLY: Like my young friend, Judge Powell, and like my good friend, Mr. Garnett, in our district we have had the same experience; we have had since the elective judiciary system has been in vogue, better judges and chancellors than we ever had under the appointive system. He spoke of his district; we have had the same experience under the elective system. I would rather trust the people in the selection of a judge than I would most of the governors of the state who have had the office. Judge Powell suggests that the judges should not have to go out and make a per-

sonal canvass, but the people know, as well as the attorneys of the district, whether a candidate would make a good judge, and if the lawyers of the district did their duty, the judges or the chancellor would not have to ask a solitary person for a vote. The people know by reputation how the attorney has conducted himself at the bar; they know, as well as the lawyers know, who is the best qualified; the people know and the attorneys know; let them make the selection. I am speaking mostly of the chancellors and circuit judges. I just told my friend to the left, as for as the supreme court judges, all I ever ask them to do is just to let me alone. (Applause.)

THE PRESIDENT: I want to know do you want to proceed or do you wish to take a vote at this time?

Do you favor taking a vote on it?

All in favor of taking a vote on it now, will say "Aye," opposed "No"—the ayes seem to have it—the ayes have it.

All those in favor of the adoption of the resolution will let it be known by saying "Aye"—all opposed "No."

The chair is in doubt. A division is called for. I am going to ask you to stand and be counted by the secretary.

All in favor of the adoption of the resolution will stand. (Fifty-three stood and were counted for.)

All opposed to adoption will stand and be counted. (Fifty-three stood and were counted as opposed.)

There is an absolute tie, fifty-three for and fifty-three against.

MR. BRANDON: Did the chair vote?

THE PRESIDENT: No.

MR. GUICE: I move that we adjourn.

MR. HENLEY: In view of the fact that there appears to be quite a division of opinion, I move that the question be carried over to the next meeting of the Bar to be disposed of at that time.

(The motion received a second.)

MR. GUICE: I submit that the motion is out of order; there is a motion before the house to adjourn.

A VOICE: The motion to adjourn has not been seconded.

A VOICE: I seconded the motion.

THE PRESIDENT: I think you are correct: therefore if it is insisted upon I will put the motion to adjourn at this time.

(The motion was put and lost.)

MR. HENLEY: I make a motion that this question be carried over to the next meeting of the Bar Association for further consideration at that time. It seems to be a very interesting question that we certainly have not settled at this time.

(The motion was seconded.)

MR. BRANDON: May I ask whether or not it would be advisable to have a committee appointed at this time and report tomorrow for further discussion?

THE PRESIDENT: I don't think we will have time tomorrow.

MR. BRANDON: Well, that a committee be appointed to make further study and report back?

JUDGE W. H. POWELL: Here is what I say: what is the use of postponing? Let's decide now; the legislature meets next year; it will be too late to present to the legislature recommendations of the Bar if we postpone it.

(The previous question was called.)

THE PRESIDENT: There is a motion before the house that the matter be deferred until the next convention of the State Bar. All in favor of the motion will say "Aye"; all opposed "No." The ayes have it.

The motion is adopted and we are now ready to adjourn until tomorrow morning.

Whereupon the convention recessed until nine A. M. Friday, September 6, 1935.

(Recessed at four P. M.)

FRIDAY MORNING

September 6, 1935

The Mississippi State Bar reconvened at nine A. M. September 6, at the Courthouse. President Wells in the Chair.

The by-laws of the Mississippi State Bar make it mandatory that the election of officers be on the morning of the second day, and that course has not always been observed. It has not always been done in the past, because we all know that as soon as the election is over, nearly everybody gets up and leaves, and we can't transact any business after that. We have arranged this program according to the by-laws. We have also on the program for this morning, a report of the Committee on Criminal Law and Procedure, Hon. D. E. Crawley, Chairman, and following the report, Open Forum Discussion. We had a very interesting discussion yesterday on the Selection of Judges. It is our desire to have full discussion on all questions, when it can be had.

I am informed that the members are not going to stay over for the Saturday meeting, and that there will not be a handful of people to attend on that very interesting program. I had hoped that we could get started early this morning, but the old folks allege that the square dance made them so stiff they couldn't get up early this morning, and the young folks are all so sleepy they can not get up, and a large number of the members wish to go on this pilgrimage that is to take place at ten o'clock this morning. A number of the members have so expressed themselves. As a matter of fact, of those who came from the farthermost points of the state, many came to attend this pilgrimage, which is one of the most delightful affairs I have ever had the pleasure of attending. There is nowhere else, of which I have any knowledge, the equal of the beautiful homes—ante bellum type—many built before the Civil War—some even before the nineteenth century—to be found here at Natchez. It is a sight. You all ought to see them. Nobody ought to leave Natchez without seeing them, if they possibly can. We are faced

with the situation of election of officers, the commissioners, delegates to the American Bar Association, and this report on Criminal Law and Procedure set for this morning. It has been suggested that we take up a few matters that will not provoke discussion and adjourn at ten o'clock this morning and attend this pilgrimage and get back at one o'clock and take up the report on Criminal Law and Procedure, election of officers, selection of place for next annual meeting, and then sit a little late, and hold the boat, and let that be the final adjournment. I am just laying this out before you in order to get your reaction to it, to find out what your wishes are. It is entirely immaterial to me whether we proceed regularly with the program, have the report, have the election of officers, and selection of place of next meeting. What is the pleasure of the body? Do you wish to take up the program; or do you wish to adjourn at ten o'clock and then have a regular session from one until four or five and undertake to clear up the docket, or shall we proceed regularly?

MR. S. E. TRAVIS: I move that the President's suggestion be adopted.

The motion was seconded.

THE PRESIDENT: It has been moved and seconded that we stay in session until ten o'clock and then adjourn until one o'clock. We have a rather spirited contest on for President and other officers, and I want to make it perfectly plain to you that it is entirely immaterial to me which way we do. It is entirely agreeable to me to disregard the present program—not having the election this morning, not having the report on Criminal Law and Procedure, disregarding that, taking up these other items until ten o'clock, and then adjourning until one. Any objection to that? If not, as many as favor the adoption of that program, let it be known by saying "Aye," any opposed, say "No."

The motion is unanimously carried.

I would like to have a report of the Budget Committee.

MR. CRAWLEY: I understand I am Chairman of that Committee.

THE PRESIDENT: No, Mr. Welch is.

MR. CRAWLEY: It is in Mr. Caper's possession.

MR. WELCH: Mr. Capers is having it typed.

THE PRESIDENT: It is called up ahead of time, so we will pass that for the present.

If Judge Kimbrough is present, we will take up at this time the Report of the Committee on the Mississippi Law Journal, Mr. Dave Bramlette or Judge Kimbrough.

MR. BRAMLETTE: Mr. President, Members of the Mississippi State Bar, Ladies and Gentlemen, as a member of the Committee of the Law Journal, I beg to submit the following financial report:

FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL
(Sept. 1, 1934 to Sept. 1, 1935)

RECEIPTS

Appropriation of Mississippi State Bar Association	$1,500.00
Sale of back numbers and subscriptions	110.27
Sale of books	241.19
Cash advertising	98.00
Total receipts	$1,949.46

EXPENDITURES

Postal permits	$ 20.00
Postoffice box rent	3.00
Printing and mailing Journals at Jackson, Tenn.	1,468.40
Banking expenses	5.96
Express and drayage	13.16
Telegrams	9.06
Office expenses (postage, stationery, etc.)	86.47
Expenses of editor in attending Bar Convention	12.36
Bookbinding	16.95
Books and pamphlets purchased	13.70
Total expenditures	$1,649.06
Balance September 1, 1935	$ 300.40

(Signature) THOMAS Y. MINNIECE, Business Manager.
(Signature)
DAVID C. BRAMLETTE, Chairman,
of the Law Journal Committee.

I would like to call the attention of the members of the Bar to the fact that we had an income from the sale of books, $241.19, which was out of the ordinary—an unusual income, which we may not have during the ensuing year. For that reason, the Law Journal would like to have the same appropriation of $1,500.00. They do not ask for any increase, but feel that it is essential that we have the same. I understand that the Budget for the ensuing year authorizes that amount.

It is unnecessary for me to call your attention to the excellence of this publication. Most of you noticed that articles were recently reproduced from this publication in "Current Legal Thought." It is recognized as one of the best in this country. I am sure we are proud of the publication. It deserves the support of all of us. (Applause.)

JUDGE W. H. POWELL: Mr. President, is it out of order to make a motion at this time?

THE PRESIDENT: No.

JUDGE POWELL: I would like to know why we had to go out of the state to get it printed.

A VOICE: For the same reason that they publish the Mississippi Reports out of the State—certainly not for competency. I'll say this, we certainly do not get any reports—I mean as to accuracy.

JUDGE POWELL: It looks like it should be printed in Mississippi.

MR. MINNIECE: It costs more money.

MR. BRAMLETTE: It is the same question about publishing our reports. My understanding is they get prices, and they let the contract where they get the best. I'll make this statement: If the prices were any where nearly equal the contract would be given to the Mississippi printer; they would be published at home. I agree with you that they should be published at home.

JUDGE POWELL: I think that we should have them published at home if they are not over ten per cent higher.

THE PRESIDENT: Are you making that as a motion, Judge Powell?

MR. MINNIECE: It would be necessary to have a larger appropriation.

A VOICE: Printers are working mighty cheap around the state now.

JUDGE POWELL: I say publish it in Mississippi if the increase doesn't run over ten per cent.

THE PRESIDENT: If we increase our appropriation, that will be ten per cent above our budget, $1,500, to the Journal.

A VOICE: It will cost more than ten per cent more to print it in Mississippi.

JUDGE POWELL: I don't care what it costs; I want it to go to the home people.

THE PRESIDENT: Do you accept the amendment: if it does not cost over ten per cent more?

MR. BRAMLETTE: I accept the amendment, if it is acceptable to the members of the Bar. It is all right with me, if it would not affect this appropriation. We would have to make an additional appropriation.

MR. CRAWLEY: Is that in the form of a motion?

THE PRESIDENT: Yes, it is an amendment to the original motion.

MR. CRAWLEY: Has it been seconded?

A VOICE: Yes, I seconded it.

MR. CRAWLEY: Is it open for discussion?

THE PRESIDENT: Yes.

MR. CRAWLEY: Until the Bar Association reaches that point where it is willing to take some drastic action in order to compel the payment of dues on the part of every member of the bar in the State of Mississippi, I am compelled to oppose that increase of ten per cent. It is my understanding that there are ten per cent of the lawyers in the State of Mississippi at this time, or about ten per cent, who have not paid their annual dues, and as long as we continue to allow that condition to exist, I do not see how it is possible for

us to increase this appropriation and still stay within the bounds and confines of our receipts. That's all I have to say.

THE PRESIDENT: Any further discussion? If not, it is on the motion of Judge Powell that this be given to the state printers if it does not exceed ten per cent, the additional amount to be appropriated to take care of it in the budget.

MR. MINNIECE: I want to know if that is going to affect any contracts that we might already have with printers?

MR. BRAMLETTE: No.

MR. MINNIECE: The cost of printing that we had last year was about one dollar a page lower than the price for the previous year, and this $300.00 surplus that we have this year is largely due to that. The prices our Mississippi printers have quoted have sometimes been twice as high as some of the prices quoted by out of the state printers. The members of the Law Journal staff, including myself, would have been favorable to Mississippi printers, if we had had the opportunity, because we realize that it is a Mississippi publication; but I do not think it is necessary to pass this resolution. We have been favorable to it, but we have to put off one printer against another, in order to print the journal as cheaply as possible—to get the best price we can, and this motion would hamper us somewhat in our bargaining.

MR. J. V. GIPSON: Is it printed by Union labor or not?

MR. MINNIECE: I don't know whether it is or not, but it is printed under the "NRA".

MR. GIPSON: Is it printed by Union labor?

MR. MINNIECE: It is printed under the "NRA", and I think they have regulations about Union labor.

MR. GIPSON: Do you think the State Bar should encourage a client to employ the cheapest lawyer? I think they should employ the best one they could find.

MR. MINNIECE: If he could get a good one cheap. (Laughter.)

THE PRESIDENT: Now, you have heard the motion: that if the Journal can be printed in the state at not exceeding ten per cent increase, it is to be given to state printers; if it increases the cost more than ten per cent, it is to be printed outside of the state.

MR. CRAWLEY: Will you permit me to read to the gentlemen who are present a concise statement of just what our financial status is?

THE PRESIDENT: Yes, we would like to have it in connection with this.

MR. CRAWLEY: This is a proposed budget:

Office expense	$1,800.00
Annual meeting	300.00
Commissioners' expenses	350.00
Mississippi Law Journal	1,500.00
Salary of the Secretary-Treasurer	720.00
Disbarment cases	500.00

Eliminating that item of incidentals entirely, that makes a total of $5,170.00.

A conservative estimate of the income from the Bar is $6,000, which would only leave an excess of some eight hundred odd dollars, if we succeed in collecting $6,000—that would be dues from twelve hundred members. If we do not have the sale of books we had in the past, we will find ourselves in the hole. As a matter of fact, boiling it down to its final analysis, it is not a question as to whether or not this publication is going to be published in the State of Mississippi. I am a Mississippian, we are all Mississippians; we would be glad for it to be published in Mississippi. It is not a question as to whether or not is has been done by union labor—

THE PRESIDENT (interposing): Here is the union sign printed on the back of the magazine itself, so that is out of the question: it is printed by Union labor.

MR. CRAWLEY: It does not matter to me; it is just a question of dollars and cents. That's all. It is not a question of finding the best printer or the poorest printer; it is getting it down within our income, and I am going to move, with all deference to the gentleman who made the motion, that his motion be tabled.

(The motion was seconded.)

THE PRESIDENT: It is moved and seconded that the motion be tabled; as many as favor the motion say "Aye"; opposed "No." The ayes have it, and the motion is tabled.

MR. GIPSON: I move that this magazine be printed in Mississippi by Mississippi labor, as long as it is done for Mississippi people, who have to pay taxes in Mississippi. There is a principle involved, and I for one am willing that it be done in Mississippi by Mississippi labor.

THE PRESIDENT: Even if it increased it one dollar a page?

MR. GIPSON: Yes.

MR. CRAWLEY: That matter has been disposed of by the tabling of the motion.

A VOICE: The motion lost by want of a second.

A VOICE: I second the motion.

MR. GIPSON: I think this printing should be done in the State of Mississippi; it should be divided among the printers in this state; they should be asked to bid; we should confine that expenditure to Mississippians. This is a legal body, created by the legislature, and the payment of this $5.00 is to this body, for the purposes of this body, and this body ought to have nerve enough to take proper steps to force everybody who practices law in Mississippi to pay this $5.00, and we ought to have nerve enough to say to the world that we are Mississippians, we believe in Mississippi, and we believe the printers in Mississippi have a right to live, and we believe the printing shops and tax-payers in Mississippi have a right to Mississippi business, and in my opinion there is a principle involved, and we ought to confine this Mississippi contract to the State of Mississippi as long

as this, a Mississippi body, created by Mississippi law, pays the major portion of the bill.

MR. BRAMLETTE: In regard to this, I yield to no one in point of loyalty to the great State of Mississippi. My folks landed in Natchez one hundred and thirty-four years ago; some of them remained here, and I have not drifted very far away. Mr. Gipson and I were in the legislature together; we are mighty good friends, and neither one of us said anything about having Mississippi reports printed in Mississippi. Goodness knows we are not getting a good job and we never have since I have been practicing law; and since we did not do that about our Mississippi reports, then, with the limited finances of our organization, with some of our members falling down, it is a question of whether or not we are wealthy enough to be philanthropists: if we are, it suits me exactly, I really would be in position to favor this motion. Of course, we have good printing shops, as Mr. Gipson said, we have some of the best, in this state. I am sure they could do a first-class job in Meridian, in Jackson; it is just whether or not we have money enough to make the donation; that is the only serious point with me, and for that reason, much as I regret it, I am opposed to hog-tying these young gentlemen managing this Journal, who are managing it so well. It is likely to embarrass them in their business management. I think they should have the same free range as any other publication, and I believe they should not be hog-tied. They are as patriotic as we are, as Gipson and myself and the balance of us. They will publish it in Mississippi if there is any way on earth to keep it in Mississippi, but I am forced to oppose the motion.

MR. KELLY: Could it not be cut down by eliminating some unnecessary pages?

MR. BRAMLETTE: Let's not do that. It is a Journal recognized throughout the nation, of highest standing. Let's just not do that.

THE PRESIDENT: Are you ready for the question? We will have to pass on. Mr. Gipson has already spoken once. As many as favor the adoption of Mr. Gipson's motion, will let it be known by saying "Aye"; those opposed "No." The nos have it; the motion is lost.

THE PRESIDENT: Is there any action to be taken on the report?

MR. BRAMLETTE: It carries the same appropriation of $1,500 for the Journal. I move the adoption of the report.

A VOICE: Second the motion.

THE PRESIDENT: Yes. As many as favor the motion to adopt the report will say "Aye"; opposed "No." The motion is carried.

We will hear now from the Budget Committee.

MR. W. S. WELCH: The report of the Budget Committee is not to be confused with the annual audit by a Certified Public Accountant. This is an estimate of expenditures for next year:

PROPOSED BUDGET

Office expense	$1,800.00
Annual meeting	300.00
Commissioners' expenses	350.00
Mississippi Law Journal	1,500.00
Salary of the Secretary-Treasurer	720.00
Disbarment cases	500.00
Committees' expenses	200.00
Making a total of	$5,370.00
Conservative estimate of income from the Bar	$6,000.00

W. S. Welch,
S. C. Mize,
David E. Crawley.

Mr. President, I move the adoption of the report of the committee.

A VOICE: I second the motion.

THE PRESIDENT: As many as favor the adoption of the motion will say "Aye"; opposed "No." The motion is carried.

MR. CRAWLEY: I move we adjourn.

Mr. CALDWELL: I would like to make a motion that we set a definite time to reconvene to take up the election of officers—say one o'clock.

(The motion was seconded.)

THE PRESIDENT: It has been moved and seconded that at one o'clock we take up the election of officers, commissioners, delegates and alternates to the American bar, and the next place of meeting. I am taking it that when that is done the convention is over. It is entirely agreeable to me to have it any time you wish. We have some right interesting discussions that are due to follow that. You will pardon me for making this statement: it is entirely immaterial to me when we convene, one or two-thirty or two.

MR. GUICE: Do I understand you to say that after the election of officers the Convention will be over?

THE PRESIDENT: I said when that takes place there will be a general exodus.

MR. GUICE: Has there been a motion? I think it should be at two o'clock, I don't think I will be here at one o'clock, I think I will be asleep then, I think I will be here a little later. I make a motion that we reconvene at two-thirty.

THE PRESIDENT: Is there a second?

(The motion was seconded.)

Any discussion? There is a motion to reconvene at two-thirty, as the time for taking up the election of officers. As many as favor two-thirty will say "Aye"; opposed "No." The nos seem to have it.

MR. GUICE: I call for a division.

MR. PRESIDENT: The chair is in doubt.

MR. GUICE: I can get up at two o'clock—in time to vote by two o'clock.

THE PRESIDENT: Do you agree that it be two o'clock instead of one?

MR. GUICE: Yes.

THE PRESIDENT: All in favor of two o'clock stand up.

(Whereupon the vote was counted and twenty-nine stood for two o'clock.)

All in favor of one o'clock will stand?

(Whereupon the vote was counted and forty-two arose for one o'clock.)

This is a little out of parliamentary order, but we fix the time for one o'clock.

JUDGE JOHN M. KUYKENDALL: Will the election of commissioners be by districts? Would it be more convenient that the districts assemble separately?

THE PRESIDENT: I suggest that we follow the usual custom; the different districts assemble in separate parts of the room.

JUDGE A. B. AMIS: Let the minutes show that on the call of Chancellor R. W. Cutrer, the chancellors who were present attending this session of the State Bar met in the Board of Supervisors room in the courthouse at Natchez, Mississippi, and perfected a permanent organization by electing Hon. R. W. Cutrer, Chancellor, as the Chairman, and Hon. D. M. Russell, Chancellor, as Secretary.

After discussion of various and sundry matters relating to procedure in the chancery court, it was the sense of the meeting that the chairman call a meeting of all chancellors to be held in Jackson on the first Monday of January, 1936.

MR. E. L. DENT: I move that the association take a recess until one o'clock.

(The motion was seconded, put, and carried.)

(Recessed ten A. M.) * * * * *

FRIDAY AFTERNOON

September 6, 1935

The Mississippi State Bar re-convened at one P. M. Friday, September 6th, at the courthouse.

PRESIDENT WELLS in the Chair: While we are getting together, we have one or two matters we want to bring up, as the others are coming in. If I am given unanimous consent, I would like to bring them up. Is there any objection? Hearing none, we shall proceed.

We have Mr. Minniece, the new editor of the Mississippi Law Journal, and he wants to talk a few minutes about that Journal and what he desires of the Bar. If he is here I will ask Judge Kimbrough to have him come up at this time.

A VOICE: He is not here.

THE PRESIDENT: He does not answer.

According to the printed program, there was to be a report at two o'clock, report of Committee on Pleading, Practice, and Procedure, Hon. S. E. Travis, Chairman. I am informed by that committee that they will not make a report at this meeting; therefore, that will be checked off of our program.

We also had a report of the Committee on American Law Institute, and Mississippi Annotations by Hon. Myron McNeil. He is not here on account of illness.

Is Judge Sydney Smith in the room? He does not answer. He had just a few words I wanted him to say on the American Law Institute.

We have set for this afternoon the report of the Committee on Deceased Members. The Commissioners from the various districts, in a recent meeting, decided that in view of the fact that the Supreme Court has set aside the opening day of the Fall Term for having these memorials in honor of the deceased members of the Bar, it was wise not to have the memorials here, but to have them at that time. It will be the duty of the incoming President to arrange for the presentation of those memorials in the Supreme Court—I believe next Monday. It will be impossible for him to do that unless the members from the various districts will prepare those memorials to the deceased members and send them in to him. What is everybody's business is nobody's business. I will ask some of you to prepare the memorials and send them in. We have had some of the most distinguished and well-beloved members of the Bar—of the entire Bar—to pass away this past year. The only way I can be of assistance to the new President is to urge you, when you go back home this week, to immediately arrange for somebody to prepare those memorials and get them into the hands of the new President. It is almost impossible in that time to do it, but it can be done, and I am going to earnestly request that, when you go back home, and you have had deceased members, you prepare such memorials. If your Bar Association has already prepared them, get a copy of that and mail to the new President or to the clerk of the Supreme Court so it will be on hand when the Supreme Court opens. The Supreme Court has given to the Bar Association that first day so that the Association can present the memorials. If we do not do it, it will be our own fault.

There is one other matter of great importance which should be acted upon. The adoption of a resolution was recommended to this Bar Association by the Commissioners, asking our Senators and Congressmen to get a bill passed through Congress for the appointment of a commissioner to hear and determine these cases of soldiers against the government on the war risk insurance. Is Mr. Charles Campbell in the room?

Mr. DENT: May I propound an inquiry?

THE PRESIDENT: Yes.

MR. DENT: I just want to ask if the Bar Association has not a committee to look after that—the memorials.

THE PRESIDENT: There is no such standing committee. In view of the fact that the commissioners have decided that such memorials be omitted from our program and have the memorials presented before the Supreme Court, if you have a suggestion to make we will be glad to hear it.

MR. DENT: Mr. President and members of the Association, you know what is everybody's business is nobody's business—you appreciate that. It is going to be impossible for every community to have a representative in attendance at the meeting of the Supreme Court when this matter comes up. In view of that fact, I move that the incoming President be authorized to appoint a committee from each congressional district, whose duty it will be to look after these matters and present such memorials as may be necessary with reference to deceased members, that committee to be composed of members from each congressional district of the state.

THE PRESIDENT: As soon as the new President is elected, I am going to ask him to make the appointments immediately.

Is there a second to the motion?

(The motion was seconded.)

As many as favor the motion will say "Aye"; opposed "No." The motion is carried. As soon as the President is elected, I am going to ask him to write out that list of appointments so that it may be read this afternoon before we leave.

Is Mr. Minniece here?

Has Mr. Charles Campbell come in?

Gentlemen, I am going to ask you to do a rather unusual thing. A resolution was presented to the Commissioners showing the necessity of the appointment of a commissioner by Congress to hear these suits of these soldiers against the United States Government, based on their insurance contracts. At the rate they are being heard now, it will take thirty years before those now pending could be disposed of. Those interested have conferred with Federal Judge Holmes, and he agrees that that is wise. I haven't the resolution before me, but it asks our Senators and Representatives to prepare, present, and have passed a bill providing for the appointment of such a commissioner. These soldiers, by such delay, are being denied their rights; witnesses are dying, the physicians who have examined them are dying, and the witnesses are becoming scattered, and these soldiers are being denied their rights.

MR. DENT: Gentlemen of the Association, this matter was thoroughly discussed before the commissioners on yesterday. The resolution was modified to the extent that it was no fault on the part of the court or any member or officer of the court; that this business had become so congested that it is impossible to hear this great number of cases within the time that they ought to be heard, and Mr. President, I move that under those circumstances, without ascribing any fault on the part of the court or any one in defense of the lawsuits or the people connected with the court, that this resolu-

tion be adopted by the Bar Association, recommending that a commissioner be appointed to hasten the hearing of these suits.

(The motion was seconded.)

MR. GRAHAM: The supreme court, as we all know, has held that Congress had the power to do as it pleased with bonuses and pensions, but as to these contractual rights, Congress was powerless to abrogate them. I took it upon myself to take it up with the Senators and Congressmen, who have taken the matter up with the justice department of the United States, and they advise that the only possible relief would come through the assignment by the senior judge of the 5th district, United States Court of Appeals, on a certificate of necessity therefor from our local district judges. I transmitted that correspondence from the Senators and justice department to our district judge, and I have a letter from Judge Cox, and he said it struck him as being impractical, for the reason that every other court in the other districts was congested, and the only possible suggestion he could make was for Congress to make some special provision for this situation. Another appeal was made, and the correspondence was sent back, and they went to the administrator of Veterans Affairs, and he could not make any suggestion except the appointment of a commissioner. He stated that there was a commissioner in the District of Columbia who had investigated these cases, with the result that the courts could try them in one-third of the time, after the commissioner had heard and analyzed them, that it took to try them originally. One of our Congressmen had a bill pending during this session for the creation of a commissioner to hear these cases, but it had not passed.

I want to say, gentlemen of the Bar, to my mind there is no more meritorious legislation, or any of more importance at this time, than this. I only have a few of these cases, some eight or ten, and three-fourths of my cases will be lost because of the death of witnesses and the death of beneficiaries who ought to benefit as a result of the trial of these lawsuits.

THE PRESIDENT: As many as favor the motion will say "Aye"; as many as are opposed will say "No." The motion is unanimously carried, and the Secretary will transmit a copy to the proper parties.

Everybody be seated.

We have come to a very important part of our program, and one in which we are all deeply interested. If you will get your seats now and be quiet, we can proceed to the special order of business fixed at this time.

First of those matters, is the electon of officers, and the election of President is usually taken up first. Nominations are in order for President of the Mississippi State Bar.

MR. KELLY: In selecting a President for our Association, I am sure we are all possessed with the desire to select the man who, by reason of experience, qualifications, honesty of purpose, and integrity, will best serve the interests of this Bar, and through this

Bar, serve the State of Mississippi. If Judge Powell tells the truth —and his veracity and truthfulness was absolutely established on yesterday—

THE PRESIDENT—beyond question—

MR. KELLY—established by reason of his own self-serving declaration, to which there was no objection offered—and if that is the truth, then this Bar is composed of men who by reason of their influence and ability can absolutely control the legislation of the State of Mississippi. With a proper and competent sentinel on guard, with support of the members of this Bar, no unwholesome act could pass our legislature. And so do I emphasize the importance of selecting one who will best serve in the future. It is no easy task to select a successor to the Honorable W. Calvin Wells. We have been particularly fortunate in the past in selecting men for President of character, honesty, and ability. No less distinguished poet than Judge George Ethridge said that true love is emphasized by the sunflower, which turns to her God when she sets, the same face she turned when she rose. I always liked the name of the sunflower, so this afternoon, in presenting a candidate, I am going to choose from the bar of Sunflower county, a man who by reason of his service, by reason of his efforts in behalf of the upbuilding of this Association, by reason of his constant attendance at the sessions of this body, is, I believe, fully qualified to act for us in the future. Judge Frank E. Everett has long served as a member of the Bar Commission of this Bar. Go ask the members of this Commission whether he served with fidelity, with earnestness, and with ability. I have seen Frank Everett in his home, have seen him perform in the courts, I have seen him on the bench; I have seen him in all of his official and private positions, acting with distinction, with honor, and with glory to himself and glory to this Bar; and so this afternoon, I am going to ask that the successor of Honorable W. Calvin Wells be chosen from that Bar—that the man who has rendered this service be chosen—the man who has rendered service to our state in the legislature, service in the judicial branch of the government, service as a private citizen in the ranks The life of Judge Everett is an example that could well be followed by every member of the Bar of Mississippi, but especially would I commend him to the younger members of this Bar—and I am especially gratified to see such a large attendance of these younger members. I hope that you, by your votes, will place in the office of President of this Association Judge Frank E. Everett of Sunflower county, Mississippi. (Applause.)

THE PRESIDENT: Judge Frank E. Everett's name is placed in nomination for President.

MR. CRAWLEY: Gentlemen of the Bar Association, it is indeed with great pleasure that I rise for the purpose of seconding the nomination just made by Judge Kelly. For some time Judge Everett has been a member of the Board of Bar Commissioners, on which the speaker has had the honor to serve. I have had an opportunity

to come in contact with him on the occasion of these meetings, and I know from my own experience that he has at heart the welfare of the State of Mississippi; he has at heart the interest of the bar of the State of Mississippi. His chief desire is to promote its welfare and to make the Bar of Mississippi outstanding, so far as the legal profession is concerned, throughout the United States of America. I believe that this great position, the highest office that lies within the power of the Bar Association to confer on any man, ought to come as a glowing tribute to some member who has spent the greater portion of his life in humble service in an effort to improve conditions existing among the members of his bar, in so far as the laws of this state are concerned. Judge Everett, if he will pardon me for saying so, has passed the meridian of life. The time has come when, by virtue of the experience that he has gleaned as a practitioner, that he has gleaned as a private citizen, that he has gleaned as a member of the Bar, that he has gleaned from the constant attendance on these conventions, he is eminently fitted to grace the position so ably filled now by Honorable W. Calvin Wells. I believe that by the election of Judge Everett to this exalted post the Bar Association will be able to carry on in the future and continue to make the profession of this state an honorable profession and one that is regarded by the humblest citizens of the land with respect; and, therefore, in view of the fact that Judge Everett's life has been one above reproach, that he has proved his patriotism to his country beyond question, that he has proved his loyalty and his devotion to the profession by the zeal with which he has performed his duty, I take great pleasure in seconding his nomination. (Applause.)

THE PRESIDENT: I recognize Mr. Forrest Jackson.

MR. JACKSON: Mr. President, and Gentlemen of the Association and Ladies. It is a distinct privilege and pleasure for me to arise to second the nomination of Judge Everett. My grandfather and Judge Everett's father were born over here in the same community, over in Franklin county. Judge Everett has known me all of my young life. He demonstrates the real character of a great man. I think it is but fitting that I should give you one illustration. Some time ago, a young man went to Indianola in the interest of a candidate for a certain public office whom Judge Everett was not supporting at that time and had never supported. Because of the peculiar conditions that existed in Sunflower county, it was not popular for that candidate to be represented there, but Judge Everett, because of his friendship for that young man, was willing to stand before the people of his community and to say to them: "This young man's father and mine, when they were young, went to school as children together. I have known him a long time, and I am willing to stand before the people of Sunflower county and introduce this young man on any occasion." I say to you, Judge Frank Everett is a man who is willing to stand by his personal convictions and by his friendships. He comes from a family that has stood for the best throughout the history of the state of Mississippi. He is a man who

stands high in his profession in this state. He is a man who can well fill the duties of the office of president of the Mississippi State Bar Association. I therefore take great pleasure in seconding the nomination of Judge Frank E. Everett as President of this Association. (Applause.)

THE PRESIDENT: I recognize Senator John Kyle.

SENATOR KYLE: Mr. President, Members of the Mississippi Bar Association, I rise for the purpose of placing in nomination for the office of President of the Mississippi State Bar for the next year, the name of James McClure of Sardis. Mr. President, Mr. McClure is not unknown to the membership of the Mississippi State Bar; for the past two years he served as vice-president of this Association. Mr. McClure, as many of you know, was born and reared in southwest Mississippi. His father, the Honorable James McClure, was engaged in the mercantile business over here at Fayette, near the city of Natchez. Mr. McClure was educated at Millsaps College and at the University of Mississippi, where he received his degree in literature and art, and also his degree in the law department. Soon after he was graduated from the University of Mississippi, his career as a member of the bar was interrupted, for the time being, by service in the United States army during the World War. Mr. McClure entered the army at the outbreak of the World War and served in France, and returned to Mississippi in 1919 as a lieutenant. When he was mustered out, he settled in north Mississippi and engaged in the practice of law. He became a member of the bar at Sardis, in my county, and has been a member of that bar for the last fifteen years.

My friends, when I tell you that James McClure represents the highest ideal and the highest tradition of the lawyer of this state—those ideals and those traditions for which this Bar Association stands—I tell you that I am expressing the judgment that I have formed of a man that I have known intimately during the last fifteen years; a man with whom I have practiced law in the courts of our county and adjoining counties. I have appeared on the same side with him, and I have appeared on opposite sides with him. I know that he is an able lawyer. I know that he is a fair lawyer; fair to his competitors, fair to his fellow lawyers; and as a result of these qualifications, has established for himself a position that is almost unrivaled among the lawyers in north Mississippi.

Mr. McClure is president of the Panola county bar, and at a recent meeting of that bar, Mr. President, I was instructed, on behalf of the Panola county bar association, to present his name and to recommend him to the Mississippi State Bar for the presidency during the ensuing year.

Gentlemen, when we come to fill this high office, I recognize the responsibility that has rested upon your shoulders during the past four or five years. Since I have been regular in my attendance upon the meetings of this association, I have come to realize and appreciate more than ever the high character of the men who have

filled this exalted place. Since I have been a member and served as commissioner of the Mississippi State Bar, I have served under men like Judge Truly, Judge Price of Magnolia, Judge Venable of Clarksdale, and our distinguished retiring president, Major W. Calvin Wells, who has been my personal friend for many years. I realize that we cannot expect to do our duty except by the selection of the highest type of lawyer, the highest type of man, to fill this office during the coming year. From my own knowledge of the man, from my own knowledge of his character, from my own knowledge of his ability as a member of the bar of this state, I take great pleasure in recommending to you, Hon. James McClure, who is one of the outstanding lawyers represented here today. (Applause.)

THE PRESIDENT: I recognize Judge Kuykendall.

JUDGE KUYKENDALL: This is peculiarly a meeting of the younger members of the Bar. By reason of the fact that he is a young man of ability, that he is one of the outstanding lawyers of our section of the state, the mere fact that he has no grey hair should not be held against him. Therefore, I take great pleasure in this convention, where there are so many of the younger members of the bar in attendance, in seconding the nomination of this outstanding lawyer of the state, who is a young man of vision, of ability to make a great leader of the Bar Association. I say it is peculiarly fitting at this time that we have one of the younger members of the Bar who can serve this association with distinction to himself and to the Association. I have practiced law at the bar with Mr. McClure, I have served as judge of the circuit, and in that way I know and can testify that he has all of the elements that go to make up a great president of the Mississippi Bar. I feel that we should show to the younger men that we welcome them and recognize them. You know we older men sometimes get control of these things, and we keep them among ourselves, and we think that is the thing we ought to do. We ought to spread out among the younger men of the Association, and I think this is peculiarly a time when the young men ought to be brought into leadership of the association. How could it be better done than to bring into management of the Bar and executive control of the Association this man of outstanding ability, who has legal learning and who has ability to make a great president of the Mississippi State Bar. To my knowledge and association he possesses all of these qualities, and I take great pleasure, therefore, in seconding Mr. McClure's nomination as President of this Association. (Applause.)

THE PRESIDENT: I recognize Mr. Tom Ross.

MR. ROSS: Mr. Chairman, members of the Mississippi State Bar, I rise as a young lawyer to second the nomination of Mr. Jim McClure. For the past eight years I have had the privilege of practicing as an attorney at the Mississippi bar. I have at every possible chance attended the meetings of the Mississippi State Bar, and I tell you today, that if there is any future, if there is any salvation for the younger lawyer, it is through the State Bar Association;

and I tell you again that that is the only salvation that the young Mississippi lawyer has today. As we sit by and as we see conditions discussed and threshed out, I am reminded of a story of two travelers traveling through Texas. They started traveling from the Mississippi delta. You know in Texas you can get up early in the morning and you can look out and see a large mountain, and that mountain probably will be one hundred miles away, but if you do not know the conditions, you will think it is probably one hundred yards away. These two Mississippi men got up at four o'clock in the morning in this little Texas mountain town, and looked out of the window and saw this large mountain, and one of them said to the other, "Let's walk over to the mountain before breakfast." The other said "All right." So they started to walk at four o'clock; they walked until five, six; they walked until seven, eight, nine, and until ten-thirty, and the mountain was still one hundred yards away. About ten-thirty they came to a little stream about six feet wide and three inches deep. They sat down on the side of the stream, dug out of their clothes and tied them on their bags and got ready to dive in. About that time one of the natives came up and said, "What are you fellows fixing to do?" One of them answered. "We are fixing to dive in and swim that stream." The native said, "Why that stream is not over three inches deep and six feet wide." They said, "Yes, dog gone, we thought that mountain was one hundred yards away, and we have been walking five hours to get to it."

You all know Mr. McClure; I know him; he is an honorable man. I know his integrity and his ability. He is a man who can judge the distance of that mountain, and he is a man who can judge what it takes to get there. If there is any kind of leader of the Mississippi State Bar that will be the salvation of the younger lawyer, it is a man who can judge the distance to the mountain, and yet on the other hand, he is not the other type of man, who will attempt to swim a stream that is three inches deep and six feet wide, as has been done in a number of instances in the past.

So as a young lawyer I rise and say that I want to recommend and endorse and second the nomination of my friend, Jim McClure. (Applause.)

THE PRESIDENT: I will recognize Mr. Guice.

MR. GUICE: I do not know Mr. McClure very well. He fought and opposed me in Chicago, but he opposed me with such wonderful beauty, and conception of the honor that he called the honor of the south, that I know if we should today elevate to this position a young man—and I am an old man—very, very old. Yes, I am—

A VOICE: You look it.

MR. GUICE: I feel it today. I feel that this state Bar should put new blood into its veins; we ought to put some one in the presidency who is young, who is new, so that when these boys come in, the boys that we spend our money on and rest our hopes upon, they may feel that, according to their ability, according to their efforts,

according to their accomplishments, they ought to have the same chances of honor as those who are just tottering on the verge of the grave. Judge Kimbrough knows when this man opposed me and fought me. When his name came up today, without my knowledge, or without my thought of purpose or intention—because he has been a modest man, he has not tried to advance himself in the eyes of those who belong to this association, he has waited until the time has come when nobody except him seemed to have a claim upon this association—instantly, at once, without thought, I championed his cause, and so I say to you this: I say to you knowingly and thinkingly that this young fellow, James McClure—

THE PRESIDENT: Turn around, please, Mr. Guice, so you can be heard.

MR. GUICE: (I always have better luck before the chancellor than I do before a jury.) I say to you this young man can come before you today as lawyers; he can present himself to you and you can look upon him, as an ancient writer has said, "as the noblest knight of all." On the slopes of the Pyrenees mountains, a man, I think, Philip the Fair, at one time, held a bridge over the Tiber; he was known as the noblest knight of all Christendom. Upon the tomb of this man is written this inscription, that he was without fear, without reproach. If you elect this man, that is the sort of man you will have as president of this Association. I thank you. (Applause.)

THE PRESIDENT: Judge Corban.

JUDGE CORBAN: I will take but little time to second the nomination of my friend, Jim McClure, for this office. He was reared in my town. He has always made good; his father made good; and if elected, I know he will make good as president of this body. I take pleasure in seconding his nomination.

THE PRESIDENT: Mr. Thomas.

MR. THOMAS: I move that the nominations be closed. I think we have two wonderful lawyers as candidates, either one of whom would grace the Bar Association of Mississippi with honor. On account of my long association with one of them I will vote for Mr. James McClure.

MR. ENGLE: I would like to second that motion.

It has given me a great deal of pleasure to listen to these nominating speeches, and having listened to them, my position is a little different from that of friend Guice. He said that he came to his conclusion without thought; I have given considerable thought to it. I think the example offered here by these nominating speeches might well be followed by candidates running for office: nobody has said anything detrimental to the other candidate—always praise. At the meeting of the Democratic Executive Committee some days ago, a gentleman made a remark that it seemed that the only way to be elected to office in Mississippi was to make the public think the opposing candidate was a bigger reprobate than you were. I think, whichever one we get, we will get a good president. I am not in-

timately acquainted with Judge Everett, but I am very intimately acquainted with Bob Kelly. Bob Kelly comes from Vicksburg. You know, with some of us, environment makes us its looking glass, and with others of us, we make environment our looking glass, and Bob Kelly has succeeded in doing that. I have known him for a long time, and I know the character of man that he is: he will not say the unjust thing is just. I like his reference to the simplicity of the sunflower. There is something encouraging in the idea of somebody or something that always keeps its face to the sun; if you do that, the shadows necessarily must always fall behind. And so having listened to the encomiums visited upon these gentlemen, I am prepared to be happy no matter who is elected. I wish to second the nomination of Judge Everett.

THE PRESIDENT: I take it we are ready now to vote on the motion to close the nominations. As many as favor the motion will say "Aye"; as many as are opposed will say "No." The motion is carried.

I will appoint Governor Mike Conner, Chief Justice Sydney Smith, and Speaker of the House Tom Bailey to conduct this election. Will you gentlemen distribute these ballots and announce the name of the one elected?

SENATOR KYLE: I think we might save a little time if we would proceed to the election of the other officers.

A VOICE: No, president first.

SENATOR KYLE: Then we might proceed to the election of commissioners.

THE PRESIDENT: I will put it to a vote. As many as wish to proceed with the election of other officers before the result of the election of President is announced will make it known by saying "Aye"; as many as are opposed "No." The nos seem to have it; the nos have it, and we will await the result of the count.

I will now announce the vote: Mr. McClure seventy-three; Judge Everett ninety-four; Judge Everett, therefore, is declared your President-elect. (Applause.)

MR. JAMES McCLURE: I move that Judge Everett's election be made unanimous by the Bar, and that the Secretary be delegated to cast one vote for the Bar for Judge Everett.

(The motion was seconded, put, and carried.)

THE PRESIDENT: I will appoint Bob Kelly, Mr. Bramlette, and Forrest Jackson to escort your new President to the chair.

Judge Everett, I heartily congratulate you from my heart. I am sure you deserve the honor entrusted to you. I can tell you now you are going to have a man-sized job. (Applause.)

JUDGE EVERETT: Mr. President, gentlemen of the Mississippi Bar, I want simply to assure you of my heart-felt appreciation of the honor and distinction you have conferred upon me this afternoon. I have for the last few years—rather since this new Bar was created—had the pleasure of working with your other presidents, and I know that the President of the Bar can do nothing without the

assistance of the Bar. I assure you that with that assistance on your part, which I am quite sure I will get, I will do the very best I can to make you a good President. I, like all lawyers, love my profession; and it is my earnest desire to see the Mississippi bar placed in a position that, if it is equalled, it will not be excelled, by any other bar, and with that, my friends, I thank you very much, and tell you now that I am going to do the best I can. Thank you. (Applause.)

PRESIDENT WELLS: Judge Everett, I am going to ask you to immediately make that appointment with reference to the memorials and announce the committee before we adjourn.

I have a very urgent request from the local committee that we be informed, if possible, if any of the members are going to leave before the banquet; and I will ask you to stand, if you expect to leave before the banquet. If you are compelled to leave, the committee will appreciate your standing so that you may be counted, that is, if you are registered.

(Whereupon thirty-five stood.)

The next order of business is the election of first vice-president.

MR. ROBERT POWELL: I move that the secretary of this association be instructed to cast one vote for Mr. James McClure as vice-president.

MR. MONTGOMERY: Speaking for Mr. McClure, he prefers not to have his name submitted as a candidate for the office of vice-president, and we respectfully ask Mr. Powell to withdraw his name as a candidate for vice-president.

PRESIDENT WELLS: What is your pleasure, Mr. Powell.

MR. POWELL: His pleasure is my pleasure.

PRESIDENT WELLS: I will do either way this convention wants.

MR. MONTGOMERY: Mr. McClure has served two terms as vice-president, and he thinks some other worthy member of the Bar should have that honor, and for that reason he respectfully asks that his name be withdrawn, and would thank Mr. Powell to do so.

MR. POWELL: At his request, I do so.

MR. ENGLE: I have a great horror of any association getting into what you call a rut. I think contests are the life of the association. I think this friendly contest here today for President is very fine for all of us. I want to suggest that no member can make a motion that the secretary cast one vote for all until some one has made a motion that the nominations be closed.

THE PRESIDENT: Major Wells: Since it is not before me on which to rule, I decline to rule and expose my ignorance of Parliamentary law. Nominations are in order for first vice-president.

MR. NUNNERY: I nominate Senator John Kyle as First Vice-President of the Bar Association for the ensuing year.

MR. R. C. COWAN: I second the nomination.

A VOICE: I move that the nominations be closed.

A VOICE: I second the motion.

(The motion that the nominations be closed was put and carried.)

A VOICE: I move that the secretary cast one vote for the entire assembly for Senator Kyle as first vice-president.

(The motion was seconded, put, and carried.)

MR. STOKES ROBERTSON: I rise to place in nomination the name of Mr. Chas. F. Engle as second vice-president of the body.

MR. CRAWLEY: I rise to second the nomination.

A VOICE: I move that the nominations for second vice-president be closed and that the secretary cast one vote for the entire body.

(Whereupon the motion was seconded and unanimously carried.)

SECRETARY CAPERS: Judge Everett has designated the following members of the Memorial Committee:

Judge R. W. Heidelberg
Judge Robert Powell
Mr. E. L. Dent
Judge J. Morgan Stevens
Mr. George Butler.

PRESIDENT WELLS: The Supreme Court meets Monday morning and the committee will have to proceed at once as the time is so short.

We will proceed to the election of delegates to the American Bar Association; two delegates and two alternates.

MR. BIDWELL ADAM: I nominate Mr. Sidney Mize of Gulfport and Buster Keaton.

PRESIDENT WELLS: Any other nominations? Hearing none, the two nominated are elected.

We will pass to the election of two alternates.

MR. ROBERTSON: In the past we have found that frequently those elected, the funds of the Association not being sufficient to send them, and they having to pay their own expenses, find that, just before the convention, they have failed to collect some fees, and were unable to attend; if we elect alternates the same might be the case with them, and, therefore, I move that authority be given to the incoming President to make the selection of alternates.

(The motion was seconded, put, and carried.)

PRESIDENT WELLS: Please separate into different parts of the room according to circuit court districts and elect your commissioners and report back as quickly as you can. We will take a recess for that purpose.

The Bar will come to order.

SECRETARY CAPERS: The following commissioners have been elected:

1st District, Ben H. McFarland.....Aberdeen
2nd District, Bidwell Adam.....Pass Christian
3rd District, R. C. Stovall.....Okolona
4th District, Elbert Johnson.....Indianola
5th District, Dave Crawley.....Kosciusko

6th District, Gerard Brandon.....Natchez
7th District, Ross R. Barnett.....Jackson
8th District, A. W. Cooper.....Forest
9th District, John Brunini.....Vicksburg
10th District, Marion Reiley.....Meridian
11th District, Fred H. Montgomery.....Clarksdale
12th District, W. S. Welch.....Laurel
13th District, E. L. Dent.....Collins
14th District, Gordon Roach.....McComb
15th District, Lee D. Hall.....Columbia
16th District, W. G. Roberds.....West Point
17th District, J. H. Caldwell.....Charleston

PRESIDENT WELLS: The Committee on Entertainment has asked me to advise that immediately on adjournment here, "under the Hill," right next to where the ferry boat is, there will be a boat to take us on a ride.

The next order of business is the selection of a place of meeting.

MR. STOKES ROBERTSON: I would like to have the attention of the Bar. I am going to say something that possibly some may think I should not say. I am not talking about any particular town, but I do want to say that, before there is a nomination of a city for the next meeting, I want to sound a warning that the attendance at our meetings of the Bar in recent years is being adversely affected by rather large registration fees: that is a matter that I know is under the control, somewhat, of the host city, but you know there are members of the Bar who probably bring their wives, daughters, and other members of the family, and by the time he pays a registration fee of three dollars, four dollars, or five dollars each for those attending, it has affected the next year's attendance. That member of the Bar will say, "I just don't believe I will make the sacrifice, I don't believe I will undertake to pay the rather high price," and as a result the attendance is cut down. I am just expressing my own view. I don't know whether anybody else has a similar view, and I don't know that it ought to be expressed, but when those who nominate a city do so, may they not express themselves upon the subject. I don't know whether any action can be taken, but I just suggest that they do express themselves upon that subject, as to what kind of registration fee the local committee is going to set.

PRESIDENT WELLS: I recognize Judge Garland Lyell.

MR. LYELL: Mr. President, on behalf of the Harrison county Bar Association, I am extending an invitation from the Bar of that county to hold the next annual meeting in Harrison county, the Riviera of Mississippi. That invitation is seconded at the same time by the President of the Mississippi Hotel Association who is here, Mr. John D. White. He does not make the invitation as Manager of the White House, where we have all gone so many times, but he is here in his official capacity to extend the invitation to come to the

Coast. I think we are all agreed that there are two sections of Mississippi—the Riviera, and the rest of the state; and we enjoy our vacations away, wherever we may go, but in leaving the coast to meet at other places, we are simply granted a leave of absence. Therefore, I nominate Harrison County—Biloxi—as the place of our next meeting. (Applause.)

MR. BIDWELL ADAM: I second the nomination of Harrison county. I received a telegram urging that we come there. You have been with us before. We sincerely appreciate having you here, and on behalf of Harrison county, composed of the whole Coast, we urge you to come. Headquarters will be in Biloxi, which Gulfport says is a suburb of Gulfport, but Biloxi says Gulfport is a suburb of Biloxi. If Biloxi cannot entertain you, we have Gulfport and Pass Christian, in fact, the entire coast. (Applause.)

MR. H. P. FARISH: Greenville, the Queen city of the delta, invites you to hold your next meeting with us. It has been some eighteen years since the convention chose Greenville as its meeting place, and in those years, much water, of course, has gone over the mill. We have one of the prettiest and best cities in Mississippi. (Applause.) We have today under construction—and it will be open next month—a new seven story hotel. We have plenty of hotel accommodations; we have a most convenient and comfortable meeting place for you. We will give you all of the entertainment that you can stand.

Of course, I cannot answer about the registration fee, but I shall advocate, if you make Greenville your next meeting place, the fixing of a registration fee at a minimum. There may not be any registration fee at all. If there is one, I would say that it certainly would not be more than one dollar.

Next year we celebrate our one hundredth anniversary. We want you to come and help us make that a success. The city council of Greenville has urged us to invite you; the Chamber of Commerce invites you; the mayor of the city and all the county officials have joined in that request. In fact, my friends, 16,000 splendid, fine people are today crying out to you to make Greenville your next meeting place, so don't hesitate to come.

MR. BRAMLETTE: Mr. President, and members of the State Bar. In considering a meeting place for this august assembly, there are several elements to consider: for example, the most convenient meeting place would be our capital city, Jackson. As much as we all love Jackson, it is so used to conventions that the spirit of a convention and the usual hospitality in the air is somewhat lacking, and I say that with all due deference to that city and my many friends there. I yield to no one in my admiration of our great gulf coast. I admire it, I have personal, loyal friends there; I feel at home there; but somewhat like Jackson, the gulf coast is used to conventions; they have conventions the year 'round. This year we had Natchez as our convention city, in south Mississippi; last year we had Hattiesburg in the extreme southern part of Mississippi; the year before

that, we went to Vicksburg, and preceding that, Jackson. Now, it occurs to me that we ought to go to that section of the state north of the A. & V. Railway, and to consider that section in selecting a meeting place. As the speaker who preceded me stated, Greenville is known as the Queen City of the Delta. It has all of the hospitality of the modern delta, and is old enough to possess the chivalry and hospitality and culture of the Old South. I don't think we could select a more ideal place than Greenville, Mississippi for our meeting place. Therefore, Mr. President, I take great pleasure in seconding the nomination of Greenville for our next meeting place. (Applause.)

MR. STENNETT: Being from Biloxi and the Harrison county bar association, that bar association has requested me to come to you and extend to you the invitation of Biloxi, the place where all of you so much enjoy going, and the place where you know we are accustomed to entertaining conventions. We know how to entertain you. It has been a pleasure, I am sure, for us to have been here in Natchez; we have thoroughly enjoyed our stay. Biloxi does not desire to be selfish in asking you to come there next year. Biloxi is a town where, at this season of the year, all of us like to be. There, just as in Natchez, the beautiful moss hangs on the trees. We would like to entertain you; we are not particularly concerned in the registration fee. I know at one time one of our attorneys in Biloxi before I went to Biloxi paid the whole cost of entertaining the Bar Association—I speak of Mr. Guice. At another time, our local Biloxi bar association made up the funds with which to defray this expense; that was before the organization of the state bar association as it is today. However, when you come to Biloxi, I feel that you can rest assured that you will not have the registration fee as you have it at other places. I am not complaining of that fee myself, and I am sure no one will complain of that fee, but I say that because we want to entertain you and we would like to have you there, you may be sure that you will enjoy yourselves. Our friend, Judge Garland Lyell of Jackson, who proposed the name of Biloxi and Harrison, is not a citizen of that community, but he knows the value of our coast and of our joy in having you there, and I am sure that all of you who come will have a good time, if you will select Biloxi as your next place of meeting.

MR. A. T. STOVALL: I want to second the nomination of Greenville. It is well situated, has good people, has two of the principal railroads of the state; you can get there and get out if you want to.

I want to say in regard to this charge of three dollars: I don't see how they are going to get out at three dollars; it is too small, if anything. I certainly cannot criticize—the picture show, the pilgrimage, the dance, the horseshoe pitching contest (we didn't have the hog-calling contest), and the dinner tonight. I don't know what Greenville will do, but I think that is very reasonable. (Applause.)

MR. MORSE: In regard to the registration fee, I feel like the

boy riding with his wife—they had just gotten married—they were riding in a double seat. Seated opposite them was a passenger they did not know. They passed through a tunnel. He kissed his wife—which he had a right to do. As they emerged from the tunnel, the passenger said, "That tunnel cost a million dollars." The boy said, "By golly, it was worth it." That's the way I feel about the registration fee. (Applause.)

MR. ADAM: Mr. President, members of the Bar, I just want to say this for the southern extremity of your state. I believe, unless I am mistaken, from the murmuring waves of the Mexican gulf, just a short moment ago, I received a message from Biloxi; they say they would pay you to come there, if the convention city must be put upon the auction block, if the question of three dollars or one dollar is going to be the deciding factor for the registration fee, then I say to you that we have enough salt water; we have enough soft shell crab; we have enough hard crab, mullet, and shrimp, and flounder to feed you, and you can sleep on the sea wall, and you won't have to go to any hotel down there. I am in dead earnest about this. Down in Hattiesburg, Marion Reiley described the squirrels in Adams county jumping from limb to limb, and you outvoted me two to one down there that day. We know Greenville has had a lot of water. We haven't the water on the coast that they have at Greenville; we have the sparkling water that you can mix with the moonshine that makes you happy every moment that you stay there. You can see the moonshine down there in the day time, just as well as in the night time—in fact, it is the home of the moonshine, the place where it originated.

Let's don't spend any more time talking about these charges. I am satisfied my friend John White will turn his hotel over to you and won't charge you anything for staying down there—won't you, John? Of course he will, but I believe he held up his left hand.

I want to see you people down on the coast. We went to Greenville when the water was high; we took our boats up there, and by Golly, you ought to come to see us now.

MR. DENT: I move that the nomination of places for the convention be closed.

(The motion was seconded.)

MR. COWAN: I think the convention should know that the Harrison county bar association had a meeting yesterday afternoon, and the Harrison county bar officially invited you down there, and I have a telegram which I will file with the secretary.

PRESIDENT WELLS: We will proceed on the question. As many as are in favor of the motion will say "Aye"; as many as are opposed "No." The motion is carried.

MR. ENGLE: Before this present association was formed, the bar association itself took care of the banquet and the local association where you visited took care itself of all other expenses, and that seemed to work very well; but at present, the bar association does not take care of it. If the state Bar Association could take

care of the banquet, I am sure the local association would take care of all the incidentals, but that is not the case now.

PRESIDENT WELLS: We will vote on the two places; the place nominated last will be voted on first.

We will vote first on Greenville.

(Whereupon the vote was counted and eighty-one voted for Greenville.)

We will now vote on Biloxi.

(Whereupon fifty-nine voted for Biloxi.)

The result of the vote being fifty-nine for Biloxi, and eighty-one for Greenville, we have selected Greenville as our next meeting place.

MR. ADAM: Can't we get a recount on that, Mr. Chairman?

JUDGE CUTRER: I move that we extend to the Adams county bar our appreciation for their royal entertainment, and I want to say that I think the three dollars is a very reasonable charge.

(There was a second, and the motion was carried.)

PRESIDENT WELLS: We have a very distinguished visitor who has come to see us, a representative of the American Bar Association. I would like to introduce him at this time, so that he may bring greetings and a message to us from the American Bar Association. I take great pleasure in introducing to you Hon. Will Shafroth, representative of the American Bar Association.

MR. SHAFROTH: Mr. President, members of the Mississippi Bar, ladies and gentlemen, I am going to keep you just a minute. I realize that the business of your convention is largely over. I heard the chairman say there is a program of entertainment this afternoon which is just about to commence.

I just want to extend to you a word of greeting from the American Bar Association. I did not come down here to make a speech. I came down to make contacts with the leaders of your Bar, and to find out in a general way what you are doing. I also want to carry to you some of the things that the American Bar Association is trying to do. We regard this as a very important year in the history of the American Bar Association.

Rarely are we able to properly evaluate the events and developments of our own time. From a perspective of only eighteen years, the World War, and particularly our own participation in it, takes on an entirely different aspect from that characterization which we gave it at the time. This is so, too, of the accomplishments and development of the legal profession. It seems to me that we are at the present time in a period which may in the future seem very important from the standpoint of our professional development.

Probably with the exception of the Magna Charta and some of the famous statutes of Parliament, there is no one thing which has had a more important influence on law and justice in England than the rise of the Inns of Court. These historical organizations had their beginnings back in the shadowy period of the Middle Ages, along about the end of the thirteenth century. But they were responsible for changing law from a business into a profession. Through

the control which they secured over admission to the bar, they became directly responsible for not only the kind of lawyers who were admitted to the Bar, but also for their conduct and behavior as long as they belonged to the Guild. Not only that, but they assumed a collective responsibility for a machinery of justice that would operate. Through a common meeting on a social basis, improvements which suggested themselves were taken up, discussed, and advocated, with the result that the feeling of responsibility for progress which I have mentioned naturally arose.

In our own country, that same feeling of collective responsibility is slowly but surely gaining headway. Individual lawyers as individuals may feel that certain things about the way our courts work, or about the manner in which our system of justice functions, are wrong, but they will rarely feel this with such great fervor that they will be moved to champion the cause single-handed, when the responsibility can be assumed collectively.

I think that we can safely say that Bar Associations have, in many cases, ceased to become mere social organizations, where lawyers, "who strive mightily as adversaries, eat and drink together as friends." Before the civil war, there were a small number of Bar Associations, but they were few and far between. It was along about 1870 that the movement got under way to organize them. It grew quite largely out of a reaction to the corruption of that period and to a realization that lawyers, as leaders of the public life of city, state, and nation, should take some steps to remedy the situation. There was the Tweed ring in New York, the whiskey scandals of the Grant administration, the Credit Mobilier, and the carpet baggers of the South. The public conscience had fallen to a low ebb, and there was need for a new dedication to higher ideals of public service.

When the Association of the Bar of the City of New York was formed, it started in immediately with the Judiciary. It impeached two Judges and defeated another candidate. Within eight years from 1870, fifteen state and city Associations had been formed, and the movement was well under way by 1878. That was the year when Simeon Baldwin issued the call for an assembly of representative delegates from the various states to meet at Saratoga Springs, N. Y., and form the American Bar Association. You will notice that I said "representative delegates," which will show you that even at that early date, the idea was held that our National Association should be composed of representatives from the several States.

The reason I say that the time through which we are now passing may in the future be considered very important from the standpoint of professional development is that we are achieving new standards of performance in Bar Association work, and from a period of active development and increasing efficiency of State Bar organizations, we are reaching one of significant development along national lines which has similar promise.

When I speak of the development of a new type of efficiency in State Bar organizations, of course I refer to the integrated bar.

Although that is only fourteen years old, it has already been adopted in seventeen states, and a dozen more made earnest efforts to have bills passed in the last legislature. Already the west is a strong phalanx in this movement, and three States in the South, including yourselves, have shown themselves progressive enough to adopt it in its pure form. Already, I am sure that you are convinced here, as they are in every other integrated bar state I have visited, that this is a far superior organization for fulfilling the responsibilities of the bar than the old voluntary type of association.

Now we are embarked on a process of improving our Bar Association machinery on a national scale. We shall succeed in that endeavor, and I believe it will make for a national organization of lawyers which will represent the bar much more fully and completely than has been the case in the past. On account of your experience with the incorporated bar, your help is invaluable to us, because we expect that you will be able to point out to your brother lawyers in the South and East the advantages of a close-knit organization, which can claim with some accuracy to represent the entire profession.

These efforts for a more representative organization of the American Bar Association are not new, as you know. It was just twenty-one years ago that the first co-ordination committee of the Association, under the Chairmanship of John H. Wigmore of Chicago, made its first report of progress, and was instructed to continue work. That committee studied the subject several more years and found considerable sentiment even then for an elected legislative body to control the policies of the Association. However, there was a disagreement in the Committee as to the steps to be taken and there was no important action except that the President of each State Bar Association was made an ex-officio member of the General Council.

In 1916, when this was done, the first conference of Bar Association delegates was called by Elihu Root, who was the President. In addressing that assembly, Mr. Root used language which is equally applicable today. He said, "The associations which you represent have been asked to send you here because of a manifestly wide feeling on the part of members, both of the National Association, and of the state and local associations, that the Bar of the Country is not exercising the full influence to which it is entitled in the development of our law and institutions, and that the reason therefor is defective machinery."

Isn't this the case today? Don't we feel that our profession isn't having the weight it should, and that the reason for this is that we are not a unified, highly organized group, which can make its needs and desires felt. Here in Mississippi, you have met the problem squarely by the adoption of the integrated bar. You have brought your lawyers together and told them that they have a right and a duty to participate in Bar Association work. You have not sought to regiment them or to make them conform to a single pattern. But you have done a great deal. You have accomplished a great deal toward making your Bar Association more active and more effective.

I must confess I am greatly impressed with the value of the integrated bar. I have seen its operation in the State of California, where despite frequent legislative attacks, it has continued to strengthen its position, until a poll taken recently of the lawyers of the State, at the request of a legislative committee, showed them to favor it about three to one. Two more states have been added to the group during the present year: Michigan and Oregon, making seventeen in all. Only two weeks ago in Wisconsin, after the bill had passed both houses of the legislature, following a strenuous campaign by their Bar Association, it was vetoed by the Lieutenant Governor. They are now putting in another bill, which they hope to have adopted.

In some ten or twelve other states, bills were introduced in the legislative sessions just past. In other words, I think that the integrated bar movement is going to have an increasingly important influence on the work of the Bar in this country. Perhaps it will eventually solve our problems of organization, because certainly a representative of an all-inclusive bar is a representative of the lawyers of the State. But we cannot wait for that time. Our co-ordination committee, appointed in 1930, has been working on this question to a point where the time is now ripe for action. Two years ago, the American Bar Association at Grand Rapids called a meeting of the State and local Bar Association officers, and the National Bar program, with which you are all familiar, was inaugurated. The subjects of Criminal Law and Enforcement, Legal Education and Admission to the Bar, Unauthorized Practice of the Law, and Judicial Selection were adopted as subjects for study by the active Bar Associations of the United States. To this list was added, last year, Enforcement of Professional Ethics. In this work, the American Bar Association gladly assumed leadership. The thought behind the program was that, by securing unity of action, we would not only make much greater headway, but would also bring Associations in closer contact with us and with each other and pave the way for a National tie-up between local, state, and the American Bar Associations.

The work on the National Bar Program was enthusiastically received, almost without a dissenting voice. Today, we have over one thousand committees on these various subjects, which are working toward better administration of justice. But this was never a final goal. The final aim was a representative National organization which, by virtue of its representative structure and wide-spread influence, would be better able to cope with the problems of law and administration and more efficiently assist the State and local associations in their work; and so a year and a half ago, we went to the Carnegie Corporation and put our plans before them. We needed more money than the normal budget of the Association would provide, and we secured $50,000 for a three-year program. With the acceptance of that money, we assumed a definite obligation, which was to bring about a more representative and efficient national organization of the Bar.

Time marches on, and a year has already elapsed since the grant

was received. This is one reason why we have the imperative obligation of getting down to brass tacks just as soon as possible. It was for this reason that we devoted an entire session of our National Convention to this topic of better organization of the Bar. In preparation of that meeting, our co-ordination committee got out a report which suggested for consideration four possible plans.

Plan One placed continued emphasis upon the National Bar program as a means of obtaining broader interest, larger membership, and more unified action on the part of lawyers, but did not undertake present changes in the structure or functions of the American Bar Association.

Plan Two provided for improving the structure and organization of the American Bar Association along its present lines and traditional development.

Plan Three suggested building a much larger and more representative membership for the American Bar Association by making the Association of greater service to lawyers in their profession.

Plan Four provided for federalization of the American Bar and creation of a House of Delegates as the governing and policy determining body.

There was no doubt that the sentiment of the meeting strongly favored a representative House of Delegates, and it went on record to that effect.

The American Bar Association as presently constituted cannot claim to be representative. It is a collection of individuals who speak for no one but themselves. John W. Davis has put the matter very succinctly in these words:

"The point is this. Year by year and more and more the American Bar Association, by reason of its growth in membership if not otherwise, assumes to speak as the voice of a continental bar. Its claim to do so is mere usurpation unless it is so organized as to be fairly representative of every class and section of professional opinion. Can this be said to be its stature so long as the repository of supreme power and the organ of ultimate expression is merely an annual mass meeting; and a mass meeting, too, whose preponderant numbers are drawn, in the very nature of things, from the membership of those nearest in mileage to the point of assembly? Distances, we are often told by perfervid orators, have disappeared with the progress of invention. But they still play their part when men are leaving their homes and offices. A viva voce vote in such a gathering on important questions can only be treated as a fair expression on the somewhat violent assumption that lawyers and the opinions of lawyers are alike the country over.

"No one would be more reluctant than I to abandon the essentially democratic character of the American Bar Association. Nor do I see why any member in good standing should be denied the privilege of the floor at any meeting, annual or otherwise. I would preserve in any machinery that might be set up for the purpose, the right of every member to be heard in the selection of those who are to rep-

resent him. But I think the Association would be strengthened on every side if the right of final decisions, the power to pledge the opinion, the good name, and the influence of the Association were confided to a body of representative delegates, chosen from the bars of the several states. That, after all, is the American system in all matters governmental. It has right, reason, and established practice in its favor."

The meeting in Los Angeles agreed with him, and as a result of that meeting, the General Council of the American Bar Association, the Vice-Presidents, and the Executive Committee will meet in January to consider a concrete plan. It is contemplated this will be followed in the spring by a large meeting of delegates which will represent every active Association in the country. In the meantime, we want the advice and help of your Association and its officers in framing a plan which will provide a framework for National organization which will be acceptable to the lawyers of the country.

You can see the difficulties we face. There are seventeen States having integrated Bars. There are half a dozen large States having active State Bar Associations, but enrolling less than one-fourth of the lawyers of those States. There are a dozen or more State Bar organizations which are almost entirely social in their aspects. And then there are a few more where hard work is going on under competent leadership. How shall we draw all these organizations together? What shall be the basis of representation, for both Mississippi, which includes all its twelve hundred lawyers in the State Bar, and New York, which with a State Bar membership of five thousand, has less than twenty per cent of the lawyers in the State.

I have already spoken at greater length than I intended. What I want to impress upon you is that we need your help. We need the opinion of your governing board on this subject. Of course you have always furnished us with men of ability and energy in the American Bar Association.

But this is not special pleading for the American Bar Association. It is an appeal to you to join in creating a more effective national organization of lawyers which will represent you and the lawyers of the nation more fully than could be true of an Association built on the old lines. I have quoted Elihu Root before, but I think there is no one who can say a thing more clearly and forcefully than he. So I am going to ask you to let me close with a few words which he spoke in 1930, when he received the Association's Medal of Honor for distinguished service. He pointed to the future which a national association of lawyers can have. He said, "I think that to weld together all the separate Bars of our several States into one body of common understandings and common sympathy and common purposes, inspired by the spirit of public service, is essential to the perpetuation of the American system of justice, and to enable the administration of the law to keep pace with the rapid changes of life in our country." (Applause.)

PRESIDENT WELLS: May I say that we feel greatly honored at your visit and are delighted to have had you with us; we're sorry you came so late.

MR. DENT: In view of the fact that the Association is about to adjourn, and the fact that there was an important committee—upon which I was not a member—but I do know that the work of that committee has been very splendid and faithful—that is the committee on criminal procedure in this state—and in view of the fact that that committee has a fine recommendation to make to this Association; I now move that that committee be continued until the next meeting of the Bar Association; that continued study be made of that important subject of criminal procedure.

MR. KELLY: Second the motion.

PRESIDENT WELLS: I understand that is agreeable to the chairman of the committee?

MR. CRAWLEY: Yes.

(The motion was put and carried.)

PRESIDENT WELLS: The program was originally arranged to extend into tomorrow; we have managed to crowd in everything in these two days, with the exception of two very interesting papers, or pot pourri as one said: "Old Squires" by Mr. Welch of Laurel, "Riding the Circuit with Judge Mayers" by Judge Amis. It is not going to be possible for us to meet tomorrow, but I have hopes that at the banquet we can hear those gentlemen if we can get them within the time limit. I understand that they have not prepared papers. I have talked to both of them, and they understand the situation and are just as nice about it as they can be; I feel awfully bad about it, and I hope we can arrange, if possible, to hear from them at the banquet.

MR. JACKSON: In view of the fact that some of us may not be able to be here at the banquet and hear the papers, may I move that those papers be incorporated as a part of the proceedings of this Association and printed in the Law Journal?

PRESIDENT WELLS: Those papers have not been written out; they are prepared to make their talks; they are very interesting.

MR. JACKSON: Could we not ask them to reduce their thoughts to writing; and incorporate them in the Bar Proceedings? I so move.

(The motion was seconded.)

MR. CRAWLEY: In view of the fact that one of these reports came within the purview of the duties of this committee that was appointed by yourself and by Governor Conner, and published in our Law Journal—that dealing with interstate compacts, with which the members of this Bar are familiar—I desire to make this motion, that is, that this Bar Association memorialize the incoming legislature to take up and consider that proposed suggestion that is embodied in this article appearing in the Law Journal of enacting that statute should the legislature see fit and proper so to do.

(The motion received a second.)

PRESIDENT WELLS: Mr. Jackson, will you withdraw your motion temporarily?

MR. JACKSON: I will.

PRESIDENT WELLS: That report was brought in by Judge Houston. I don't think we need any discussion. As many as favor the motion let it be known by saying "Aye"; opposed "No." The motion is carried.

PRESIDENT WELLS: A motion was made by Mr. Jackson that Judge Amis and Mr. Welch be requested to reduce to writing the addresses they had intended to deliver tomorrow, and that they be furnished to the Secretary to be printed in this year's journal.

The motion has been seconded.

(The motion was put and carried.)

What is the further pleasure of the convention?

We have a report of the committee on the Historical Society which will take about two minutes to read. I will ask the Secretary to read the report.

MR. CAPERS (reading)

REPORT OF THE HISTORY COMMITTEE OF THE MISSISSIPPPI STATE BAR

Mr. President, Members Of The Mississippi State Bar:

In compliance with the authorization and direction of the Mississippi State Bar at its Hattiesburg meeting, September 6th and 7th, 1934, your History Committee has the honor to report and recommend the following:

AIMS AND PURPOSES

FIRST: That the name of the section of the Mississippi State Bar whose function primarily is the preservation and publication of the legal history of the State of Mississippi be designated the "History Section of the Mississippi State Bar."

SECOND: The aims and purposes of the History Section of the Mississippi State Bar shall be in general the promotion of legal history study, preservation, and writing; and in particular, the care, classification, and centralization of county and municipal archives; the collection, preservation, and concentration of books, briefs, and newspapers in private hands; the collection of biographical data concerning the lawyers of Mississippi; and the placing of the likenesses of our distinguished lawyers in the Court Houses of the counties in which they lived and worked.

RECOMMENDATIONS

FIRST: It has become axiomatic among historians that all accurate history has its basis in the careful preservation, appreciation, examination, and use of historical archives and documents. These are the foundations upon which reliable history must be based. This

is the principle which has made the Mississippi Department of Archives and History a leader in archival administration in the United States. Mississippi, we are proud to say, is the only state in the Union that has centralized its historical archives in one department.

The official archives of the counties and municipalities of the State are of great importance in the preparation and publication of state, county, and municipal history. It is well known among lawyers that our county, city, and town records, not in daily use, and which have historical value only, receive little or no attention, and are rapidly being ruined and destroyed through want of care. This condition exists through no fault of the custodians of county records. It is caused rather by inadequate and defective record repositories in the County Court Houses of the State.

In view of these conditions, we recommend the transfer of county records, which are never used or called for by county officials, lawyers, or the public, and which have historical value only, to the Mississippi Department of Archives and History. We also recommend that section 3629, chapter seventy-eight, Code of 1930, be amended by the Legislature to conform to these recommendations.

We further recommend that the Legislature provide an adequate and suitable building for the care, concentration, and administration of the state and county archives. The need for such a building is urgent and indispensable in the carrying on of the important historical activities of the State.

SECOND: We recommend the affiliation and co-operation of the History Section of the Mississippi State Bar with the State Department of Archives and History, and the Mississippi Historical Society; also with the County Historical Commissions which are being organized in all counties of the State, under the auspices of the State Department of Archives and History. Many of these Commissions are being sponsored by distinguished lawyers of the Mississippi Bar.

We recommend and indorse the movement to celebrate, in 1936, the centenary of those counties of the State created from Chickasaw Lands, under the Treaty of Pontotoc of 1832. We recommend that the official headquarters of the History Section of the Mississippi State Bar be in the State Department of Archives and History.

THIRD: We recommend that the Chancellor and Law Faculty of the State University be requested to prepare a history of the University Law School, accompanied by biographies of all members of the law faculty, and of the distinguished graduates of the school.

FOURTH: We recommend the enlargement of the History Section of the Mississippi State Bar and extend a cordial invitation to all members to join in a movement which means so much to the profession. It is the duty of the State Bar to preserve its history, and also to promote every movement for the preservation of Mississippi History in all its branches.

FIFTH: We congratulate Dr. Dunbar Rowland, Director of the Mississippi Department of Archives and History, and a member of

this committee, on the completion of his book, "Courts, Judges, and Lawyers of Mississippi, 1798-1935." We have not had an opportunity to read it as it has not yet been published, but we are sure Dr. Rowland has given to its preparation his usual painstaking work.

Respectfully submitted,

J. Morgan Stevens, Chairman
Charles L. Garnett
A. B. Butts
R. W. Heidelberg
Gabe Jacobson
Gerard Brandon
W. Calvin Wells
Dunbar Rowland.

PRESIDENT WELLS: I will entertain a motion in regard to this report.

A VOICE: I move that the report be adopted.

(The motion was seconded, put an carried.)

JUDGE STEVENS: I move that the recommendations be adopted.

(This motion was seconded, put and carried.)

A VOICE: In view of the courtesy shown the Bar by the owners of the homes in which we were privileged to visit this morning, it seems eminently fitting, and I so move, that the Secretary of this Bar write a personal letter to each of the owners of those homes that we were privileged to visit this morning, thanking them for the courtesy extended.

(The motion was seconded, put and unanimously carried.)

A VOICE: I move that we adjourn.

(The motion was seconded, put, and carried.)

PRESIDENT WELLS: We stand adjourned sine die.

I certify and approve the foregoing as a true and correct statement of the minutes of the proceedings of the annual meeting of the Mississippi State Bar.

(Signed) Walter W. Capers, Secretary.

REPORT ON ACCOUNTS AND FINANCE
MISSISSIPPI STATE BAR

Report on audit of accounts and financial records, for the year ended May 30, 1935, including statement of receipts and disbursements.

W. Q. SHARP & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
Members of American Institute of Accountants
W. Q. Sharp B. Miller D. D. Quin

JACKSON, MISSISSIPPI
June 17, 1935

Board of Commissioners,
Mississippi State Bar,
Jackson, Mississippi.
Gentlemen:

We have audited the accounts and financial records of the Mississippi State Bar as maintained in the office of the Secretary-Treasurer, for the year ended May 30, 1935. This audit consisted of the verification of all recorded receipts and disbursements during the year, and the verification of the unexpended balance on hand at May 30, 1935.

The results of our audit are presented in this report, which includes: (1) text of comments and explanatory detail; and (2) statement of receipts and disbursements for the year ended May 30, 1935.

COMMENTS RESPECTING RECEIPTS AND DISBURSEMENTS

Exhibit A presents statement of receipts and disbursements for the year ended May 30, 1935.

A summary of the receipts and disbursements for the current year and a comparison with a summary of receipts and disbursements for the year ended May 30, 1934, are presented in the following table:

	1934-35	1933-34	Increase *Decrease*
BALANCE ON HAND, BEGINNING OF YEAR	$2,662.60	$1,420.86	$1,241.74
RECEIPTS:			
Net dues collected	5,545.00	5,645.00	*100.00*
Collection of returned checks, covering prior year's dues	15.00		15.00
	$5,560.00	$5,645.00	$ *85.00*
	$8,222.60	$7,065.86	$1,156.74
DISBURSEMENTS:			
Office expenses	$1,754.43	$1,736.22	$ 18.21
Annual meeting	299.92	321.14	*21.22*
Commissioners expenses	310.41	381.68	*71.27*
Mississippi Law Journal	1,851.30	850.00	1,001.30
Salary—Secretary-Treasurer	720.00	690.00	30.00
Expenses in disbarment cases	146.26	198.90	*52.64*
Incidental expenses	198.87	225.32	*26.45*
	$5,281.19	$4,403.26	$ 877.93
BALANCE ON HAND, END OF YEAR	$2,941.41	$2,662.60	$ 278.81

An analysis of net dues collected for the year ended May 30, 1935 is presented in schedule A-1. During the current year, your Secretary-Treasurer issued receipts to 1120 members. Dues were refunded to five members during

the year for overpayments, et cetera, but these receipts were reissued to other members. The following tabulation reflects how the receipts issued were accounted for:

Dues 1120 members			$5,600.00
Receipts issued representing checks returned, held for redeposit at May 30, 1935 as follows:			
1932-33 Dues:			
S. B. Cooper	$ 5.00		
Jos. H. Moss	5.00		
John Q. Hunter	5.00	$ 15.00	
1933-34 Dues:			
John E. Davis	5.00		
Ben F. Coursey	5.00		
R. M. Boone	10.00		
J. D. Martin	5.00		
D. M. Miller	5.00	30.00	
1934-35 Dues:			
Carl F. Droke	5.00		
W. G. Boyett	5.00	10.00	
			55.00
Net dues collected from 1109 members			$5,545.00

All cancelled checks of your depository were carefully examined and we found that expenditures were supported by proper expense vouchers. The balance of $2,941.41 remaining on hand at May 31, 1935 was verified by direct communication with your depository.

A review of the membership roll of the association for the current year, disclosed the following information:

Active members paying dues	1,074
Delinquent members	138
Exempt members	38
Not in active practice	84
New members, exempt for one year	58
Total members on roll	1,392

A list of delinquent members at May 30, 1935, as prepared by your Secretary-Treasurer, including the names of the members whose returned checks are held for redeposit, was verified by a comparison with the membership roll and was found to be correct.

Adjusting entries have been made in the journal as of May 30, 1935 to bring the financial records into conformity with the statement of receipts and disbursements forming a part of this report.

Yours very truly,
W. Q. SHARP & COMPANY,
Certified Public Accountants.

Exhibit A

MISSISSIPPI STATE BAR

Statement of Receipts and Disbursements, Year Ended May 30, 1935

BALANCE ON HAND, MAY 31, 1934		$2,662.60
RECEIPTS:		
Net dues collected—schedule A-1	$5,545.00	

Collection of returned checks covering prior year's dues		15.00	
			5,560.00
			8,222.60
DISBURSEMENTS:			
Office expense:			
Salary—Mrs. Alice Nevels	$1,140.00		
Postage	300.03		
Stationery, printing and office supplies	147.83		
Telephone and telegraph	94.14		
Auditing	50.00		
Exchange and check tax	12.43		
Adjustment for money stolen from office and cancellation of returned check	10.00		
		1,754.43	
Annual meeting expense		299.92	
Commissioners expense		310.41	
Mississippi Law Journal		1,851.30	
Salary—Secretary-Treasurer		720.00	
Expenses of Complaint Committee investigating disbarment cases		146.26	
Incidental expenses:			
Postage, telephone and telegraph of Presidents	32.78		
Bond premium—Secretary-Treasurer	10.00		
Traveling expenses—district meetings	18.16		
Annotating "Agency"	100.70		
Miscellaneous committee expenses.	37.23		
		198.87	
			5,281.19
BALANCE ON HAND, MAY 30, 1935			$2,941.41

Schedule A-1

MISSISSIPPI STATE BAR

Analysis of Net Dues Collected, Year Ended May 30, 1935

GROSS RECEIPTS:

	1932-33	1933-34	1934-35	1935-36	Total
1932-33 dues 4 Members	$ 20.00	$.....	$.....	$.....	$ 20.00
1933-34 dues 26 Members	.....	130.00	.....	.....	130.00
1934-35 dues 1074 Members	.....	.....	5,370.00	.....	5,370.00
1935-36 dues 16 Members	.....	.....	.....	80.00	80.00
1120 Members	20.00	130.00	5,370.00	80.00	5,600.00
RETURNED CKS.... 11	15.00	30.00	10.00	.....	55.00
1109	$ 5.00	$ 100.00	$5,360.00	$ 80.00	$5,545.00

ON THE CIRCUIT WITH JUDGE MAYERS*

Judge Alonzo G. Mayers, or "Mares," as the country folks called him, was one of the most unique characters that ever held judicial office in this state. He was born in Wayne County in 1821 and died at Brandon in Rankin County in 1903. Before reaching his majority, he was employed as clerk in a general store, first at Quitman in Clarke County, and later at Garlandsville in Jasper County. After that, for a time, he taught school, or as he termed it "kept school," his idea being that those who wanted knowledge must acquire it for themselves without much help from the teacher. In fact, it is said that while he was a great reader of books, he was rather short on his knowledge of arithmetic, and when a boy asked him to work some difficult "sum," he was reprimanded and sent back to his seat to work it for himself, with the admonition that there was no royal road to learning. He "read law," as the saying then was, in the office of Judge John Watts at Garlandsville, and was admitted to the bar at Paulding on attaining his majority.

In 1844, shortly after his admission to the bar, he located at Raleigh for the practice of his profession. In 1845 he was a candidate for district attorney on the Whig ticket, and though the district was largely democratic, his winning personality and exquisite humor were such that his democratic opponent won only by a margin of two votes. A few years later he was nominated by the Whig party as its candidate for Congress, whereupon Governor Brown, the Democratic candidate, wrote him, proposing a list of appointments for joint discussion. To this young Mayers replied that since he understood Brown had made all his arrangements to be returned to Congress, and since Mrs. Brown confidently expected to spend the winter in Washington, he could not find it in his heart to disappoint her, and therefore he would decline the contest.

In 1847, he removed to Paulding, where he remained until 1852, when he removed to Brandon, where he lived the remainder of his life. After removing to Brandon, he became part owner of the Brandon Republican, and was its editor for several years. And this recalls an incident that happened in the Newton County court while he was judge. The editor of the local newspaper had published a rather caustic editorial concerning the judge and his "Circus Court." At the next term, during his charge to the grand jury the judge referred to the "idiotorial," as he called it, and said that a two by four editor with a shirt tail full of type was a public nuisance that ought to be abated. Whereupon the editor, who was sitting on the front row of seats, replied, "Well, Judge, I reckon you ought to know, you were an editor yourself once." The crowd roared with laughter, in which the judge joined as he extended his hand to the doughty editor. Honors were even, and they were friends again. That was characteristic of him. He could take, as well as give, a thrust, without malice.

*Speech delivered at the banquet of the thirtieth annual meeting of the Mississippi State Bar by A. B. Amis, Senior, Chancellor of the Second Chancery Court District.

He was a successful practitioner, a good pleader, and resourceful as an advocate. But now and then a spirit of mischief, which it seemed he was never able to resist, caused him to lose a valuable client. Thus on one occasion, while he was practicing at Raleigh, a wealthy widow had a lawsuit about a negro slave. She walked into Mayers' office one day and asked him what his fee for consultation was. He replied that it would be ten dollars. The old lady handed him the money, and then proceeded to state the facts of her case. When she had finished, she asked him what she should do, and he replied, "Employ a lawyer, Madam." Quick as a flash came the retort, "I thought I was talking to one, but I see I was mistaken."

In 1876 Governor Stone appointed him circuit judge of the eighth district, and he served as such until 1900, a period of twenty-four years. His district was composed of Rankin, Scott, Newton, Neshoba, Leake, Winston, Jasper, Smith, Simpson, Covington, Jones, and Perry counties. In Rankin and Jones counties, the court terms were two weeks twice a year, but in all the rest the terms were one week twice a year. Only court houses on a railroad were Brandon, Forest, and Ellisville, while some of them were as much as forty miles from the nearest station. The court terms were so arranged that they followed each other week after week without any intermission to go home for a change of clothing, or to renew acquaintance with the family. The result was that Judge Mayers and Sylvester McLaurin, the district attorney, who also lived at Brandon, would be absent from home, on the circuit, for several weeks at a time. On many occasions, I have heard them clamoring for a washerwoman so they might have a change of clothing. For a judge on a salary of $2,750.00 a year and a district attorney on $2,400.00 a year could not afford many changes of clothing.

In those days the people "tended cote" whether they had any business there or not. They went for entertainment—to hear the "lawyers plead" and the "witnesses swear"; and when that became irksome, to swap horses, or to watch the other fellow do so. So it was that at every court house town, there was a certain place where the local horse traders would gather during a term of court to swap their "tradin' stock." There they would banter and brag and trade all day. The looks of the "tradin' stock" there dealt in gave queer names to those places, such as "the bone yard," "the buzzard's roost," and other appropriate appellations. It was impossible for any one to win or lose much, but it was great fun to the crowd to watch the traders and listen to them banter and brag on their steeds.

Judge Mayers would never set his docket. On the first day of the term he "sounded the docket" to find out which cases would be for trial and which continued. He would then call the cases for trial in their numerical order. The result was that the lawyers had to stay at the court until all their cases were tried or continued. Usually they stayed in the court room and watched each other try their law suits. But sometimes when they grew restless, they would stroll down to "the bone yard" to watch the horse traders, and thus while away

the time until their cases were called, or else indulge in a quiet game of poker in some secret place.

In those old court house towns there was only one hotel, and the judge and lawyers all stopped at the same place, always having to sleep two in each bed, and often four or six in a room. So after the court adjourned in the evening, they would gather on the porch, or in the sitting room, and swap stories and reminiscences till bed time. On one of those occasions, I remember hearing Judge Mayers tell a dramatic story of an incident he witnessed long ago at Hillsboro, in Scott County, when Prentiss, as counsel for the Choctaw Indians, charged Claiborne, the president of the Commission, with corruption in office, and by the force and vigor of his denunciation, drove him from the bench. I asked him to write the story for me, but he never did.

Judge Mayers had a keen sense of humor, and on the bench or off, never lost an opportunity to make the crowd laugh. As a result, there was much truth in the Newton County editor's characterization of his court as the "Circus Court." For hardly a day passed that he did not make some comment or sharp retort that set the crowd laughing. And fortunate was the prisoner convicted of some misdemeanor, on whom the judge could vent his wit and humor, for he always got off with a fine of "a dollar and costs." Thus on one occasion, in the Newton County court, a big strapping fellow was tried on a charge of unlawful cohabitation. During the trial, his wife, an ugly slovenly woman, sat inside the bar and took a keen interest in the proceedings. The jury convicted him, and immediately the judge ordered him to stand up, and as he did so asked him what he had to say why the sentence of the law should not be pronounced on him. The prisoner said, "nothing, except to beg the mercy of the court." The judge then asked him if that was his wife sitting there inside the bar, and the prisoner answered that she was. Thereupon the judge said, "Well, I will fine you a dollar and costs. There are extenuating circumstances in your case."

On another occasion, in the same court, a young fellow from Smith County was convicted of assault and battery. As soon as the verdict was rendered, the judge ordered him to stand up to receive sentence. As he did so, the judge said, "Can one present say a good word for this young man?" Nobody knew him and so no one said anything. Presently Sylvester McLaurin, the district attorney, arose and asked leave to say something in behalf of the prisoner, which being granted, he proceeded as follows: "If your honor please, it was my official duty to prosecute this young man, but I have no malice against him. He lives in Smith County, and his family are all good people. I boarded once for four months in the home of his father and mother, and this young man went to school to me." At this point, quick as a flash, the judge interrupted him saying, "That will do, Mr. McLaurin, that will do. Young man, I will fine you just a dollar and costs. You had a mighty poor chance in your bringing up."

In quickness of wit and repartee he had few equals, and no superiors. As an instance of this, on one occasion at Paulding, he had charged the grand jury, impanelled the petit juries, and sounded the docket before noon on the first day of the term, and then adjourned for dinner. About thirty minutes before the convening hour, he returned to the court room to go over the docket and see what cases were for trial and about how long it would take to dispose of of the civil docket. While he was thus busily engaged, a handsomely dressed lawyer walked in and facetiously inquired how long before the show would open. Without looking up, the judge instantly replied, "Just as soon as the monkeys are fed. Have you had *your* dinner, sir?" On another occasion at Forest, a civil case had been on trial for three days, and counsel for both sides had submitted numerous instructons. The judge read them, granting some and refusing others. When he had finished, he handed them to counsel and inquired how long they wanted to argue the case. Thereupon one of counsel for the defendant, who had been retained to help select the jury, and had taken no part in the trial, suggested that about ten minutes to the side would be sufficient. Instantly the judge replied, "Very well, sir, you may have ten minutes. I think you can tell all you know about this case in that time. The other gentlemen may have all the time they want. Proceed with the argument." On another occasion, at Decatur, an ex-justice of the peace, whom the judge knew quite well, was indicted for practicing law without a license. When he was arraigned, the judge was busy making an entry on his docket, and looked up just in time to hear the plea of guilty, and inquired what the charge was. The district attorney told him it was practicing law without license. Instantly the judge said, "I decline to receive any such plea. That stuff he has been practicing is not law." And that recalls his reply when asked how many lawyers there were in a certain county: "Two lawyers and seven water drinkers, sir."

In his court there was never a dull moment, and one could never predict what he would do or say next. While ordinarily he was fair and impartial, yet if he got the idea that either party to a suit was mean or rascally, then that party stood little or no chance of winning. I experienced this on more than one occasion. On one occasion, at Forest, in Scott County, an action of ejectment was brought by the deacons and board of trustees of a Baptist church to recover a church lot in the village of Sebastapol, which action had provoked much bitterness on both sides. Mr. Samuel H. Kirkland represented the plaintiffs, and I represented the defendants. Mr. Kirkland, for the plaintiffs, proved a perfect paper title from the government down to his board of trustees. I then proved by half a dozen witnesses that some twenty-five years previously, the congregation had abandoned the use of the church, and that the defendant had fenced it in as a part of his horse lot, and had continued to use and claim it openly and notoriously ever since. When the testimony was concluded, the judge in a loud voice said, "Mr. Kirkland, if you will request a peremptory

instruction to the jury to find for the plaintiffs, the court will be pleased to grant it." I said, "If your Honor please, I would like to be heard on that proposition." He replied, "The constitution guarantees you that right, doesn't it?" I said, "Yes, sir"; and he replied, "Yes, but it doesn't say who shall hear you." And the crowd roared with laughter. Then he continued, "Ordinarily I like to hear you talk, but I am not going to listen this time, because in this court, it takes thirteen men to steal a church, me and twelve jurors, and I'm agin you." And again the crowd laughed, and old man Kirkland and his long whiskered deacons roared louder than any one else. But the judge was not through, and so he continued, "And I'll tell you why I'm agin you. I know Sam Kirkland and his clients, and they *need* a church." Then I laughed as loud as any one else. That settled the controversy, as well as the law suit; because after that, when it was mentioned, everybody laughed.

But with him it was not always fun and laughter, for often he plumbed the depths of pathos. On one occasion he interchanged with Judge Terrall and held a term of court at Pascagoula, in Jackson County. A criminal case was called, and the accused, an old, toil-worn, country woman, dressed in a faded calico dress and gingham bonnet came forward. As she reached the bar, the judge said to her, "Are you the defendant?" and she replied, "Yes, sir." "Have you got a lawyer?" "No, sir." "Have you got any money to hire one?" "No, sir." "Do you know any of these lawyers?" "No, sir." "Have you ever been in court before?" "No, sir. This is the first time I was ever in a court house." "How old are you?" "Sixty years old my last birthday." "Where do you live?" "Twelve miles from here, over across the river." "How did you get here?" "I walked." Turning to the district attorney, the judge asked what the charge was, and he replied, "Stealing a sheep, if the court please." "Have you caught all the male thieves in this county yet, sir?" "I have done my best, your honor, but I do not think we have caught them all yet." "Well, sir, I will order that this case be passed to the files, and when you have caught and punished all the male thieves, we will then start on the females." Then, turning to the woman, in a kindly voice he said, "Madam, you may go home, and you need not come back. When the court needs you it will send for you." And though the old woman did not know how the case had been disposed of, yet as she wended her way homeward, I am sure her soul sang with gladness that pity still lived and bloomed in the heart of an old judge.

On another occasion, in the Newton County court, a young man was sued for a debt due on open account. He hired a lawyer to defend the suit, who, in addition to the general issue and payment, filed a plea of the statute of limitations. When that plea was read the judge stopped the proceedings, called the defendant to him, and said, "Young man, withdraw that plea. Your father is dead, but I knew him to be an honest man; and if he knew you had filed that plea he would turn over in his grave. Withdraw that plea, young man, and be honest like your father was. If you do not it will follow

you to your grave. Withdraw that plea and pay the debt if you owe it." The young man turned, picked up the plea, and in the presence of court and jury, tore it in pieces and cast the fragments into the open fire place. In the trial that followed on the issue of payment, Mayers was of counsel for defendant so far as the proprieties would permit.

I practiced for ten years in his courts. I knew him well and revere his memory—not as a great man, for there are few who are, but as a good man, full of human sympathy and human frailties as well, who did his humble best to serve his people, and who, if not a great jurist, was a wise and conscientious judge. Of all the lawyers who practiced in his courts, there are scarcely half a dozen left. The balance sleep with him in dreamless slumber. May the sod lie lightly above them.

1935 DIRECTORY
MISSISSIPPI STATE BAR

Abernathy, H. B., Houston
Abernathy, Thos. G., Okolona
Adam, C. B., Pass Christian
Adam, E. J., Pass Christian
Adam, E. J., Jr., Pass Christian
Adams, B. C., Quitman
Adams, J. Hermon, Raymond
Adams, J. J., Clarksdale
Adams, J. J., Jr., Clarksdale
Adams, J. L., Quitman
Adams, L. M., Jackson
Adams, M. T., Pontotoc
Adams, W. C., Corinth
Alcon, W. A., Jr., Clarksdale
Alderman, J. E., Leakesville
Aldridge, John Edw., Winona
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
Alexander, Julian P., Jackson
Alexander, M. L., Montrose
Alexander, W. B., Jr., Boyle
Alford, J. M., Tylertown
Alford, S. M., Jackson
Allen, B. B., Indianola
Allen, J. F., Kosciusko
Allen, Joe Frank, Kosciusko
Allen, N. R., Shaw
Allen, Percy W., Indianola
Allen, T. D., Jr., Shaw
Allen, Ward, Greenwood
Ames, Chas. F., New York, N. Y.
Amis, A. B., Meridian
Amis, A. B., Jr., Newton
Amis, Marshall W., Washington, D. C.
Anderson, Cephus, Hattiesburg
Anderson, Charles, Columbus
Anderson, Dick, Okolona
Anderson, D. M., Newton
Anderson, Fred A., Jr., Gloster
Anderson, G. D., Hattiesburg
Anderson, John R., Tupelo
Anderson, L. D., Sumner
Anderson, R. B., Jackson
Anderson, W. D., Jackson
Anderson, W. H., Ripley
Anderson, S. V., Greenville
Andrews, Landrum C., Oxford
Antoon, Edward I., Greenwood
Armstrong, Jno. T., Hazlehurst
Arnett, B. Keeton, Louisville
Arnold, Roy, Jackson
Arrington, Joe Drake, Collins
Arrington, John H., Monticello
Arrington, R. O., Crystal Springs
Austin, B. G., Jackson
Avery, Ralph B., Jackson
Ayers, S. N., Ripley
Bacho, Fred, Biloxi
Backstrom, J. W., Leakesville
Backstrom, Oscar, Gulfport
Bacon, Wm. Arthur, Gloster
Bailey, T. L., Meridian
Banks, Geo. H., Newton
Bankston, W. L., Tunica
Barbee, J. W., Hernando
Barbour, C. C., Vicksburg
Barbour, J. F., Yazoo City
Barbour, J. S., Jackson
Barksdale, Henry, Jackson
Barlow, E. C., Brookhaven
Barnett, Arden, Jackson
Barnett, H. C., Carthage
Barnett, O. H., Jr., Carthage
Barnett, Ross R., Jackson
Barnett, Tom J., Carthage
Barrett, Pat M., Lexington
Bates, S. Lyle, Gloster
Batson, Alpheus, Bothwell
Batson, W. C., Wiggins
Bayless, H. L., Jr., Union
Beams, Douglas Eugene, Greenville
Bean, George, Okolona
Beard, W. A., Jr., Laurel
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Bell, A. H., Greenwood
Bell, B. F., Starkville
Bell, Fulton, Greenville
Bell, James W., Jr., Tunica
Bell, Percy, Greenville
Bennett, R. E., Meadville
Berman, Jos. E., Lexington
Berry, O. L., New Hebron
Berry, S. B., Hattiesburg
Berry, J. H., Crystal Springs
Bickerstaff, R. O., Gulfport
Bishop, J. B., Pinola
Bishop, R. J., Hattiesburg
Black, E. C., Marks
Blackburn, D., Conehatta
Blair, W. A., Tupelo
Bloomfield, Horace, Gulfport
Blount, James A., Charleston
Bogen, Edw. J., Greenville
Boggan, J. W. P., Tupelo
Bolton, C. R., Tupelo

Bonelli, Albert M., Vicksburg
Bonney, E. C., Shubuta
Boone, E. E., Marks
Boone, R. M., Jr., Marks
Boswell, H. H., Coffeeville
Bourdeaux, R. M., Meridian
Bowdre, P. H., Hernando
Boyd, M. W., Laurel
Boydstun, R. W., Louisville
Boykin, Mark, Vaiden
Boyles, J. B., Batesville
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
Bradford, J. W., Itta Bena
Bradshaw, F. W., Jackson
Brady, B. M., Jackson
Brady, Tullius, Brookhaven
Brady, T., Jr., Brookhaven
Brady, Thos. Pickens, Brookhaven
Brahan, F. V., Meridian
Bramlette, David Clay, Woodville
Brandon, G. H., Natchez
Brandon, Gerard, Natchez
Brandon, J. M., Natchez
Brannon, Mary Sue, Winona
Brantley, Z. A., Louisville
Bratton, C. A., Pontotoc
Bratton, Nettie H., Jackson
Bratton, Thos. S., Jackson
Breland, J. J., Sumner
Brennan, E. F., Brookhaven
Brett, M. D., care Dept. Bank Supervision, Jackson
Brewer, Dan C., Clarksdale
Brewer, Earl, Jackson
Brewer, Ed. C., Clarksdale
Bridgeforth, Allen, Yazoo City
Bridges, L. C., Purvis
Brien, E. L., Vicksburg
Broach, Walker, Jr., Meridian
Britton, E. H., Macon
Broadus, A. Q., Purvis
Broadus, Buren, Wiggins
Broadway, L. J., Meridian
Brocato, V. J., Clarksdale
Brooke, Akin, Meridian
Brooks, J. M., Clarksdale
Brooks, Rodney, Clarksdale
Broom, S. C., Jackson
Brown, A. L., Rolling Fork
Brown, Berry D., Sidon
Brown, Charles Scott, Mississippi City
Brown, D. W., Fulton
Brown, G. N., Bay Springs
Brown, J. H., Fulton
Brown, James T., Jackson
Brown, Joseph E., Natchez
Brown, Lucille, Jackson
Brown, L. W., Starksville
Brown, M. D., Gulfport
Bruce, Arthur, Greenwood
Brumby, J. H., Jackson
Brunini, Alexander J., Vicksburg
Brunini, E. L., Vicksburg
Brunini, J. B., Vicksburg
Bryan, Harry M., Jackson
Bryant, Clifton E., Meridian
Buchanan, Frank J., Amory
Buchanan, Harry, Hattesburg
Buchanan, James R., Laurel
Buckley, J. Emmett, Enterprise
Buckley, John L., Enterprise
Bullard, Wm. D., Pascagoula
Bullard, R. L., Hattiesburg
Buntin, R. R., Gulfport
Burgin, D. A., Columbus
Burdett, W. F., Richton
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, R., Jr., Brandon
Busby, A. C., Waynesboro
Busby, Jeff, Houston
Bush, F. H., Laurel
Bush, Fred M., New Hebron
Butler, George H., Jackson
Butler, John Sharp, Quitman
Butts, Dr. A. B., University
Byrd, A. M., Meridian
Byrd, J. L., Jackson
Byrd, J. M., Leakesville
Byrd, T. H., Lucedale
Byrd, W. A., Newton
Byrnes, C. F., Natchez
Caldwell, J. H., Charleston
Caldwell, Thomas, Yazoo City
Caldwell, J. H., Jr., Charleston
Calhoun, Edwin L., Mount Olive
Calhoun, L. J., Jackson
Calhoun, Robert L., Mount Olive
Cameron, Ben F., Meridian
Cameron, Charles B., Meridian
Campbell, Charles S., Jackson
Campbell, J. E., Laurel
Campbell, George H., Yazoo City
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Virginia Ruth, Yazoo City
Canizaro, Jack, Vicksburg
Canizaro, P. C., Vicksburg
Cannon, L. C., Tunica
Cannon, R. L., Sumner
Capers, W. W., Jackson
Caradine, J. E., West Point
Carballo, J. L., Kosciusko
Carlton, L. K., New Albany
Carmichael, Benjamin B., Greenville
Carney, K. A., Clarksdale
Carothers, A. M., Grenada
Carr, J. M., Newton
Carr, J. V., Laurel
Carter, B. F., Laurel
Case, C. C., Jackson

Case, H. F., Quitman
Cassedy, J. W., Brookhaven
Cassidy, J. J., McComb
Catchings, O. W., Woodville
Causey, H. F., Cleveland
Cauthen, Nelson B., Canton
Chambers, Paul, Jackson
Chadwick, Carl, Jackson
Chaney, A. A., Vicksburg
Chatham, Gerald W., Hernando
Cheney, Reynolds S., Jackson
Childs, Earl, Shelby
Churchwell, W. C., Leakesville
Clark, A. B., Indianola
Clark, Charles E., Ocean Springs
Clark, E. A., Ocean Springs
Clark, Frank, Waynesboro
Clark, Fred, Cleveland
Clark, G. C., Waynesboro
Clark, John A., DeKalb
Clark, Lester, Hattiesburg
Clark, T. A., Iuka
Clarke, E. S., Hollandale
Clayton, Claude, Tupelo
Clayton, Hugh, Ripley
Clayton, S. P., Tupelo
Clayton, W. L., Meridian
Clements, E. C., Rolling Fork
Clements, W. H., Rolling Fork
Cleveland, Arthur T., Fulton
Cochran, Archer W., Baldwyn
Cochran, Louis, Jackson
Cofer, Kermit R., Water Valley
Cohn, A. A., Brookhaven
Coleman, Edward F., Purvis
Coleman, Jerry, Vaiden
Coleman, J. M., Aberdeen
Collins, F. B., Laurel
Collins, Floyd O., Laurel
Collins, Jeff, Laurel
Collins, R. W., Jackson
Colmer, William M., Pascagoula
Colson, J. G., Greenwood
Conger, J. W., Winona
Conn, W. D., Jr., Jackson
Conn, W. D., Sr., Corinth
Connor, Claude E., Columbia
Conner, Dudley W., Hattiesburg
Conner, Governor M. S., Jackson
Conner, Mrs. E. H., Bay St. Louis
Cook, Everett H., Gulfport
Cook, Sam, Jr., Clarksdale
Cook, W. H., Jackson
Cooley, D. B., Laurel
Cooper, A. W., Forest
Cooper, E. B., Laurel
Cooper, Forrest G., Indianola
Cooper, J. E., Purvis
Cooper, R. D., Meridian
Cooper, S. B., Philadelphia
Corban, L. C., Biloxi
Corban, R. L., Fayette
Corban, R. L., Jr., Fayette
Corey, Lyle V., Meridian
Corley, W. U., Collins
Cossar, George P., Charleston
Cottrell, David Jr., Gulfport
Coughlin, James E., Hattiesburg
Coursey, B. F., Decatur
Cousins, G. B., Jr., Biloxi
Covington, A. W., De Soto
Covington, J. A., Jr., Meridian
Cowan, R. C., Gulfport
Cox, Allen, Baldwyn
Cox, Chas. S., Jackson
Cox, Robert H., Ripley
Cox, W. A. Marks
Cox, W. H., Baldwyn
Cox, William H., Jackson
Cox, W. M., Baldwyn
Craggs, C. J., Cleveland
Cranford, T. W., Jr., Seminary
Crawford, Marvin, New Albany
Crawley, D. E., Kosciusko
Crawley, James T., Jr., Kosciusko
Creekmore, H. H., Jackson
Creekmore, Rufus, Jackson
Creekmore, Wade H., Jackson
Crisler, Bert, Jackson
Crisler, J. Dunton, Clarksdale
Crisler, John W., Clarksdale
Critz, Frank A., West Point
Crum, C. L., New Albany
Crump, C. H., Cleveland
Culkin, John H., Vicksburg
Cunningham, F. W., Booneville
Cunningham, James A., Booneville
Cunningham, J. E., Booneville
Currie, Dan T., Hattiesburg
Currie, E. Alexander, Hattiesburg
Currie, E. J., Jr., Hattiesburg
Currie, George W., Hattiesburg
Currie, Homer, Raleigh
Currie, J. H., Meridian
Currie, Neil T., Hattiesburg
Cutrer, R. W., Magnolia
Dabney, F. Y., Vicksburg
Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Dailey, Louis I., Jackson
Dale, R. H., Columbia
Dale, Sebe, Columbia
Dale, T. Price, Columbia
Daniel, G. O., Starkville
Darden, R. A., Jackson
Darden, Tom Leslie, Hernando
Davis, D. P., DeKalb
Davis, Edwin D., Fayette
Davis, E. W., Port Gibson
Davis, J. E., Hattiesburg
Davis, James L., Jr., Louisville

Davis, J. E., McComb
Davis, Jeff, Indianola
Davis, S. F., Indianola
Davis, T. B., Columbia
Davis, T. W., Jr., Purvis
Davis, T. W., Sr., Purvis
Davis, Walter Dell, Kilmichael
Davis, W. H., Jackson
Davis, W. S., Waynesboro
Daws, J. H., DeKalb
Day, Icey W., Kosciusko
Day, J. O., Tutwiler
Day, R. H., Decatur
Dean, H., Brookhaven
Dean, J. F., Senatobia
Dean, Robert E., Schlater
Deavours, Jack, Laurel
Deck, W. I., Jackson
Dedeaux, O. J., Gulfport
Denman, R. D., Greenwood
Dennis, Glender, Ellisville
Denny, W. M., Jackson
Dent, J. R., Gulfport
Dent, R. L., Jr., Vicksburg
Dent, E. L., Collins
Dent, W. W., Collins
Denton, C. L., Meridian
Denton, M. E., Marks
Denton, P. L., Marks
Dinsmore, R. R., Jackson
Dixon, T. Vincent, Senatobia
Donald, William D., Moorhead
Dorsey, Newman McCoy, Water Valley
Doty, Walter S. P., Grenada
Doty, L. H., Gulfport
Downs, A. B., Columbus
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Drake, Carl F., Durant
Drake, J. T., Port Gibson
Draughn, D. W., Hattiesburg
Dudley, Colbert, Forest
Dulaney, J. W., Tunica
Duncan, B. A., Meridian
Dunn, Allee, Jackson
Dunn, A. C., Meridian
Dunn, J. L., Meridian
Dunn, J. Thomas, Meridian
Dunn, Vardaman S., Greenwood
Dunning, F. S., Canton
Dwyer, Francis B., Meridian
Dye, Bradford, Charleston
Eager, P. H., Jr., Jackson
East, J. R., Brandon
East, W. J., Senatobia
Easterling, Albert E., Laurel
Easterling, Lamar F., Jackson
Easterling, W. R., Fayette
Eastland, J. O., Forest
Eastland, W. C., Ruleville
Eaton, B. E., Gulfport
Eaton, B. E., Jr., Gulfport
Eaton, Jas. S., Gulfport
Edwards, A. K., Mendenhall
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Edwards, W. M., Shubuta
Ellis, W. A., Carthage
Ellis, W. B., Iuka
Elmer, F. W., Jr., Biloxi
Engle, C. F., Natchez
Engleberg, N. N., Cleveland
Enochs, DeWitt, Jackson
Enochs, J. L., Jr., Jackson
Estes, William M., Enterprise
Estopinal, William, Gulfport
Ethridge, Eugene B., Houston
Ethridge, F. K., Meridian
Ethridge, George H., Jackson
Ethridge, W. N., Houston
Eudy, J. E., Eupora
Evans, C. C., Laurel
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E., Indianola
Everett, F. E., Jr., Greenwood
Everett, W. M., Hickory
Everitt, H. B., Pascagoula
Everitt, Robert D., Ruleville
Ewing, Jack Hilton, Gloster
Ewing, T. G., Jr., Vicksburg
Falkner, J. W. T., Oxford
Falkner, J. W. T., Jr., Oxford
Falkner, M. C., Jackson
Fant, Herbert, care Fed. Reserve Bank New Orleans, La.
Fant, Lester G., Holly Springs
Fant, Lester G., Jr., Holly Springs
Farish, H. P., Greenville
Farley, Dr. R. J., Tulane University, New Orleans, La.
Fatheree, J. D., Quitman
Featherston, D. M., Holly Springs
Featherstone, F. M., Indianola
Feduccia, Joseph C., Cleveland
Feld, N. B., Vicksburg
Felder, Luther W., McComb
Felner, Sol, Vicksburg
Felts, Holland C., Greenville
Fewell, Will, Meridian
Finch, Henry L., Laurel
Finch, J. S., Booneville
Finley, J. A., Tupelo
Fischel, E. C., Hattiesburg
Fitzgerald, Gerald, Clarksdale
Fleming, James S., Jr., Natchez
Flowers, Hy. Grady, Jackson
Flowers, J. N., Jackson
Flowers, Oscar H., Jackson
Floyd, Earle N., Jackson
Floyd, J. C., Meridian

Floyd, L. R., Magee
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
Foot, A. K., Canton
Foote, L. Y., Hattiesburg
Ford, A. L., Ackerman
Ford, E. J., Pascagoula
Ford, Ebb J., Jr., Pascagoula
Ford, J. H. Houston
Ford, J. I., Pascagoula
Ford, R. C., Greenwood
Ford, R. D., Columbia
Forman, J. M., Jackson
Fountain, D. G., Jackson
Fox, John H., University
Foxworth, C., Columbia
Franck, Mrs. Ruth, Jackson
Franklin, J. B., Jackson
Franklin, J. E., Jackson
Franklin, Lester C., Jackson
Frazier, T. A., Clarksdale
Friday, J. E., Booneville
Frierson, John F., Columbus
Fulgham, H. McK., Jackson
Fuller, Henry H., Laurel
Gaines, O. T., Iuka
Galloway, J. F., Gulfport
Gandy, George, Collins
Gardner, A. F., Greenwood
Gardner, Hanun, Gulfport
Garner, Martin, Tunica
Garnett, C. L., Columbus
Garraway, J. S., Hattiesburg
Garraway, J. T., Purvis
Garth, J. Hunter, Hazelhurst
Gartin, Carroll, Laurel
Gautier, H. W., Pascagoula
Gee, John B., Midnight
Gee, W. F., Clarksdale
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis
Gerald, Eugene, Leland
Gex, E. J., Bay St. Louis
Gex, Lucien M., Bay St. Louis
Gex, W. J., Jr., Bay St. Louis
Gex, W. J., Sr., Bay St. Louis
Gibert, J. M., Cleveland
Gibson, C. E., Monticello
Gilbert, Colin O., Winchester
Gilbert, V. W., Meridian
Gillespie, Hugh B., Raymond
Gillespie, R. G., Meridian
Gillis, J. K., Philadelphia
Gipson, J. R., Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
Glass, Frederick Marion, Kosciusko
Gober, Curtis A., Iuka
Goldin, H. C., Walnut Grove
Good, V. W., Vicksburg
Goodman, F. C., Biloxi
Gordon, Charles M., Jackson
Gordon, C. T., Liberty
Gore, T. N., Marks
Gore, W. E., Jackson
Goss, B. J., Columbia
Goss, Roy J., Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, H. M., Meridian
Graham, J. H., Meridian
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Grantham, Levi, Hattiesburg
Greaves, C. B., Flora
Greaves, H. B., Canton
Greaves, P. D., Gulfport
Green, B. A. Mound Bayou
Green, E. H., Cleveland
Green, Garner W., Jr., Jackson
Green, Garner Wynn, Jackson
Green, Jess D., Tupelo
Green, J. W., Jackson
Green, Marcellus, Jackson
Green, Marcellus Calhourn, Jackson
Greene, John D., Jr., Starkville
Greer, Winnie, Jackson
Grice, L. E., Crystal Springs
Griffing, D. Q., Shelby
Griffing, Homer B., Bude
Griffith, Virgil A., Jackson
Guice, W. L., Biloxi
Guider, B. A., Vicksburg
Gully, J. B., Louisville
Guy, T. A., Greenwood
Guynes, J. F., Hazelhurst
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
Gwin, Elizabeth, Greenwood
Gwin, Lucien C., Natchez
Gwin, Samuel L., Greenwood
Hafter, Jerome S., Greenville
Hairston, Brown C., Crawford
Hairston, J. M., Jackson
Hakes, Doric Debell, Catchings
Hall, Francis L., Tupelo
Hall, H. G., Jackson
Hall, Lee D., Columbia
Hall, R. S., Fed. Trade Comm., Washington, D. C.
Hall, Toxey, Columbia
Hallam, L. C., Jackson
Haman, Thomas L., Houston
Hamilton, George S., Jackson
Hamlin, James E., West Point
Hammond, Kelly J., Columbia
Hamner, W. M., Greenwood
Hannah, T. C., Hattiesburg
Haralson, William, Hattiesburg
Hardy, R. R., Jackson
Harper, A. Y., Jackson
Harris, W. R., Charleston

Harrison, Byron P., Gulfport
Hartley, T. A., Starkville
Harty, Emmett, Greenville
Harwell, J. D., Quitman
Harwell, J. M., Meridian
Hathorn, Hoy, Louisville
Hathorn, C. V., Columbia
Hathorne, F. C., Hattiesburg
Hatten, W. J., Sumrall
Hauberg, Robert E., Jackson
Hayden, Charles R., Gulfport
Hayes, George L., Wesson
Hayes, Mrs. Charles M., Hattiesburg
Hearst, A. A., Hattiesburg
Hedgepeth, T. H., 860 St. Charles St., New Orleans, La.
Heidelberg, D. W., Shubuta
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hemingway, William, University
Henderson, J. W., Tunica
Hendrix, Leon F., Jackson
Hendrix, Thomas D., Jackson
Hengen, Louis, Biloxi
Henley, W. S., Hazelhurst
Hennington, Lamar, Hattiesburg
Henry, W. A., Yazoo City
Herring, George B., Canton
Herring, Lee H., Ruleville
Hester, Clyde L., Jackson
Hewes, Gaston H., Gulfport
Hewes, William G., Gulfport
Hewitt, F. D., McComb
Hewitt, William H., Jackson
Hibbler, Stacy G., West Point
Hiemelstern, Benedict, Moorhead
Hilbun, Henry, Laurel
Hilbun, Henry, Jr., Laurel
Hill, C. E. Hattiesburg
Hill, George H., 2276 Cathedral Ave., N. W., Washington, D. C.
Hill, George H., Jr., 2276 Cathedral Ave., N. W., Washington, D. C.
Hill, Wiley C., Tupelo
Hillman, J. B., Philadelphia
Hilton, R. T., Jackson
Hilzim, Harrington, Jackson
Hindman, E. E., Jackson
Hirsch, J. K., Vicksburg
Hobbs, H. W., Brookhaven
Hobbs, W. E., Moorhead
Holcomb, Pascal D., Clarksdale
Holden, H. Cassedy, Jackson
Holesapple, Newsom, Columbus
Holley, E. E., Aberdeen
Holloman, John H., Columbus
Holloway, Charles D., Jackson
Holmes, D. B., Jr., Meridian
Holmes, D. W., Hattiesburg
Holmes, E. R., Jr., Jackson
Holmes, E. R., Yazoo City
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, J. G., Yazoo City
Holmes, R. M., Meridian
Holmes, W. F., Jr., Yazoo City
Hopkins, Hugh S., Lula
Hopkins, Joseph W., Clarksdale
Hopkins, Thomas G., Louisville
Hopper, H. A., Corinth
Horan, John, Water Valley
Horan, Leo, Jackson
Horne, F. R., Jackson
Horton, Cowles, Grenada
Horton, Kenneth D., Jackson
Horton, Robertson, HOLC office, Jackson, Miss.
Horton, William T., Jackson
Hosey, G. W., Laurel
Houston, D. W., Aberdeen
Houston, D. W., Jr., Aberdeen
Houston, David Winston, III, Aberdeen
Howie, J. H., Jackson
Howie, Joseph, Jackson
Howie, Virgil, Jackson
Howorth, Joseph M., Jackson
Howorth, Lucy Somerville (Mrs. J. M.), Jackson
Huber, H. T., Canton
Huff, J. Knox, Forest
Hughes, Frank K., Kossuth
Hughes, J. L., Moorhead
Hulen, Elizabeth, Jackson
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
Hutchison, J. T., Summit
Hutto, A. C., Gulfport
Hutto, W. M., Waynesboro
Hutton, J. B., Jr., Jackson
Hutton, L. C., Oxford
Inman, C. E., Jackson
Inzer, William H., Pontotoc
Jaap, C. C., Jackson
Jack, E. E., Scooba
Jackson, F. B., Jackson
Jackson, Robert E., Cleveland
Jackson, William F., McComb
Jacobson, Gabe, Meridian
James, W. W., Newton
Jaquess, C. A., Tunica
Jarratt, Hill, Batesville
Jayne, R. L., Greenville
Jiggitts, Louis M., Jackson
Johnson, C. C., Meridian
Johnson, C. E., Union

Johnson, D. R., Batesville
Johnson, Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, J. L., Pittsboro
Johnson, O. W. (col.), Prentiss
Johnson, Paul, Hattiesburg
Johnson, W. A., Newton
Johnston, Albert S., Gulfport
Johnston, H. Grady, Hernando
Johnston, Means, Greenwood
Johnston, Thomas H., Corinth
Jones, A. H., Woodville
Jones, Bert H., Madison
Jones, Bernard M., Mileston
Jones, C. J., Waynesboro
Jones, Edward I., Bay St. Louis
Jones, Ernest P., Jr., Jackson
Jones, H. F., Belzoni
Jones, L. B., Jackson
Jones, Margaret Hervey, Jackson
Jones, P. Z., Jackson
Jones, R. C., Louisville
Jones, R. L., Brookhaven
Jones, W. Roger, Woodville
Jones, W. V., Waynesboro
Joor, J. S., Jr., Rolling Fork
Joor, Wm. Walker, Rolling Fork
Jordan, R. A., Greenwood
Jourdan, J. C., Jr., Iuka
Joyner, Ernest Love, Jr., Tupelo
Katz, Andrew D., Hattiesburg
Katzenmeyer, C. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keaton, Grayson B., Picayune
Kellner, Ernest L., Greenville
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carol, Hazelhurst
Kendall, Henry M., Jackson
Kenna, E. D., Jackson
Kennedy, Heber, Magee
Kent, Jeff, Forest
Keyer, James H., Natchez
Keys, R. Taylor, Sardis
Kier, W. H., Corinth
Kimbrough, O. L., Greenwood
Kimbrough, T. C., University
Kimmons, R. F., Water Valley
King, Bee, Mendenhall
King, Benjamin, Hazelhurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Knox, B. N., New Albany
Knox, R. H., Jackson
Knox, W. T., Winona
Koonce, Pat, Hattiesburg
Kruse, H. A., Natchez
Kuykendall, John M., Charleston
Kyle, John W., Sardis
Lacy, C. R., Booneville
Lacy, Eugene P., Booneville
Lamar, E. L., Calhoun City
Lake, J. A., Jr., Greenville
Lamb, Knox, Greenwood
Land, T., Kosciusko
Landrum, Ralph, Kosciusko
Landrum, Scott, Kosciusko
Lane, E. M., Raleigh
Lane, Rabian D., Raleigh
Larr, G. L., Jr., Vicksburg
Laseter, C. I., Jackson
Laseter, Sam E., Morton
Latham, Luther F., Eupora
Latham, W. F., Quitman
Laub, S. B., Natchez
Lauderdale, D. C., Senatobia
Lauderdale, J. A., Jackson
Lawrence, T. J., Rolling Fork
Lawrence, W. O., Calhoun City
Leach, F. E., Carthage
Leach, H. B., Jackson
Leak, H. C., Woodville
Leathers, James A., Gulfport
Le Brano, J. R., Meridian
Lee, Percy M., Forest
Lee, W. J., Jr., Prentiss
Leftwich, Frank S., Aberdeen
Leftwich, G. J., Aberdeen
Lenoir, James J., University
Leonard, H. T., Kosciusko
Lewis, E. M., Hazelhurst
Lewis, Ida Lou (Mrs. E. M.), Hazelhurst
Lewis, M. A., Jr., Jackson
Lewis, T. W., Columbus
Lincoln, B. A., Columbus
Lincoln, C. L., Columbus
Lindholm, P. P., Lexington
Lindsay, Edward, Jackson
Lindsay, W. E., Gulfport
Lindsay, Winston S., Jackson
Linthicum, John C., Jackson
Lipscomb, Hubert, Jackson
Lipscomb, L. P., Meridian
Little, S. V., Mize
Livingston, Edward M., Louisville
Livingston, W. H., Prentiss
Locke, Leopold, Poplarville
Lofton, W. Milford, Mendenhall
Logan, John L., Jackson
Logan, R. F. B., Hernando
Logan, W. E., Natchez
Long, C. P., Tupelo
Long, C. P., Jr., Pontotoc
Long, L. H., Newton
Long, Sam P., Tupelo
Long, S. H., Tupelo
Longino, A. H., Jackson
Longino, C. S., Clarksdale
Lott, W. H., Greenwood
Lotterhos, F. J., Jackson

Love, H. M., Jr., Yazoo City
Love, John Clark, Kosciusko
Love, James S., Jr., Jackson
Loving, B. H., West Point
Loving, J. W., Columbus
Lowe, J. T. Tunica
Lowrey, J. T., Gloster
Lowrey, P. H., Marks
Lowrey, P. H., III, Hattiesburg
Lucas, W. B., Macon
Luckett, Semmes, Clarksdale
Lumpkin, Samuel E., Tupelo
Luper, O. C., Prentiss
Lyell, G. Garland, Jackson
Mabry, W. O., Jr., Goodman
Maddux, Snowden D., Water Valley
Magee, G. W., Monticello
Magruder, A. F., Starkville
Magruder, J. D., Tunica
Magruder, W. W., Starkville
Mahon, H. K., Jr., Meridian
Majure, R. S., Newton
Malone, N. H., West Point
Manship, Luther, Jackson
Maples, L. W., Gulfport
Mars, James M., Philadelphia
Marsalis, O. M., Drew
Marshall, Carl, Gulfport
Marshall, Maynard, Charleston
Martin, G. L., Prentiss
Martin, J. D., Raleigh
Martin, L. L., Macon
Martin, W. C., Natchez
Mason, Harvey Edw., Bucatunna
Mattox, Phillip, Meridian
Mauldin, B. P., Pontotoc
Maxted, D. J., Pascagoula
May, George W., Jackson
May, J. A., Sumner
May, L. P., Jackson
Mayfield, J. B., Poplarville
Maynard, G. F., Clarksdale
Maynard, G. F., Jr., Clarksdale
Maynard, William H., Clarksdale
Mayo, James G., Laurel
Mayo, J. G., Meridian
Mayo, Louise, Jackson
McBee, R. C., Greenwood
McCabe, H. C., Jr., Vicksburg
McCaskill, H. L., Brandon
McClellan, Thompson, West Point
McClendon, B. B., Jackson
McClintock, Geo. Thos., Belzoni
McClure, James, Jr., Sardis
McCool, D. C., Canton
McCraine, C. H., Houston
McCraw, A. B., Philadelphia
McCully, H. E., Louisville
McCully, J. T., Louisville
McElroy, T. H., Oxford
McFarland, Ben H., Aberdeen
McFarland, J. A., Bay Springs
McGee, Roy J., Biloxi
McGehee, D. R., Meadville
McGehee, E. H., Columbia
McGehee, L. H., McComb
McGehee, W. H., Bude
McGowan, M. M., Jackson
McGowen, Hardy R., Jackson
McGowen, James G., Jackson
McInnis, F. S., Moss Point
McIntosh, D. A., Collins
McIntosh, H. M., Collins
McIntosh, L. K., Gulfport
McIntosh, Tarver, Collins
McIntyre, E. S., West Point
McIntyre, W. E., Brandon
McKay, William I., Vicksburg
McKee, H. K., Picayune
McKeigney, A. F., Eupora
McKenzie, L. T., Ashland
McLain, W. G., McComb
McLaurin, A. J., Jackson
McLaurin, Carroll J., Ralegh
McLaurin, S. L., Brandon
McLellan, Pearl, Greenwood
McLeod, D. A., Mount Olive
McLure, Jos. Rochard, Oxford
McMorrough, G. H., Lexington
McNair, J. W., Brookhaven
McNeil, Myron S., Hazelhurst
McRaney, A. M., Magee
McRaney, Thomas L., Tupelo
Melton, Clara, Jackson
Melvin, Leonard B., Laurel
Merrell, G. H., Collins
Mhoon, W. L., Jackson
Miller, C. C., Meridian
Miller, D. M., Hazelhurst
Miller, Hugh Barr, Hazelhurst
Miller, Hugh B., Jr., Hazelhurst
Miller, H. L., Quitman
Miller, Leighton S., Clarksdale
Miller, M. V. B., Meridian
Miller, J. Wesley, Kosciusko
Miller, W. B., Clarksdale
Milloy, G., Prentiss
Milsaps, R. W., Hazelhurst
Millsaps, W. W., Cleveland
Mims, S. C., Jr., Grenada
Mitchell, A. M., Pontotoc
Mitchell, B. T., Tupelo
Mitchell, Charles S., Tupelo
Mitchell, Ely B., Corinth
Mitchell, George T., Tupelo
Mitchell, Guy W., Tupelo
Mitchell, Guy Wm., Jr., Tupelo
Mitchell, Thomas, Magnolia
Mitchell, W. M., Grenada
Mize, F. F., Forest
Mize, Sidney C., Gulfport
Mize, Webb, Gulfport

Mobley, R. T., Jackson
Moffat, C. H., Senatobia
Monaghan, Noel, Tupelo
Montgomery, Goode, Laurel
Montgomery, Holt, Laurel
Montgomery, M. B., Yazoo City
Montgomery, V. B., Belzoni
Montgomery, V. V., Edwards
Montjoy, W. H., Greenwood
Moody, C. C., Indianola
Moore, William T., Gulfport
Morehead, Yerger, Greenwood
Moreland, G. C., Corinth
Morgan, C. E., Kosciusko
Morgan, F. R., Morgan City
Morris, F. M., Hattiesburg
Morrison, E. T., Leakesville
Morrison, H. L., Okolona
Morse, J. M., Poplarville
Morse, Stanford E., Gulfport
Morse, William Eugene, Jackson
Mortimer, John A., Belzoni
Moseley, Niles, Jackson
Moss, Joseph H., Raleigh
Moss, O. F., Lucedale
Mounger, Breed O., Tylertown
Mounger, Gilruth, Greenwood
Mounger, H. C., Greenwood
Mounger, Henry, Columbia
Mounger, W. M., Jackson
Munn, W. I., Jr., Newton
Murphy, C. M., Belzoni
Murphy, George H., Gulfport
Murray, Harry K., Vicksburg
Murray, J. C., Brandon
Nason, Robert E., Ackerman
Nason, R. H., Belzoni
Neill, S. D., Indianola
Neilson, E. T., Lexington
Nelson, A. M., Jackson
Nelson, Leonard E., Vicksburg
Nettles, S. R., Meridian
Neville, G. B., Meridian
Newman, W. R., Jr., Jackson
Nichols, R. L., Forest
Nicols, W. B., Jackson
Noble, J. F., Brookhaven
Noble, Roy P., Laurel
Nobles, George R., Jackson
Norquist, Rayner R., Yazoo City
North, L. G., Belzoni
Norton, W. R., Brookhaven
Nunnery, Henry, Jackson
Oates, O. M., Bay Springs
Odom, H. T., Greenwood
Ogden, J. N., Magnolia
Oldham, L. E., Oxford
O'Mara, Junior, McComb
O'Neal, J. R., Clarksdale
O'Neil, A. M., Drew
O'Neill, John J., Vicksburg
Ormond, S. E., Forest
Osborn, S. L., Greenwood
Owen, F. C., Columbus
Owen, Lewis F., Belzoni
Owens, H. S., Jackson
Pace, Courtney C., Pace
Pack, Samuel V., Laurel
Pack, W. J., Laurel
Pack, W. J., Jr., Laurel
Pack, W. L., Jr., care Federal Land Bank of New Orleans, New Orleans, La.
Paine, George C., Aberdeen
Paine, Tom F., Aberdeen
Palmer, Eugene, Jackson
Parker, H. H., Poplarville
Parker, James E., Meridian
Parker, S. R., Taylorville
Parker, Urithon B., Wiggins
Parsons, Frank, Jr., Columbus
Parsons, W. A., Summit
Patterson, Albert T., Calhoun City
Patterson, C. F., Natchez
Patterson, E. B., Monticello
Patterson, H. J., Monticello
Patterson, Joe T., Calhoun City
Patton, Fred B., Oxford
Patton, Wright, Oxford
Patty, E. C., Macon
Pegram, T. E., Ripley
Peirce, Whitfield, Jackson
Penix, Joseph Hudson, Jackson
Pepper, A. M., Lexington
Percy, W. A., Greenville
Perkins, H. J., Batesville
Perret, St. John, Gulfport
Peteet, Porter, Greenwood
Peyton, F. Lewis, Jackson
Phifer, Robert S., Jackson
Philips, Casper C., Meridian
Phillips, John A., Macon
Phillips, Robert P., Jackson
Phyfer, Lamar, New Albany
Pierce, M. F., Greenwood
Pierce, Wentworth W., Jackson
Pilgrim, M. A., Jackson
Pinnix, J. A., Amory
Pittman, Claude F., Hattiesburg
Pittman, Homer Hattiesburg
Pogue, A. A., Marks
Pollard. E. J., Hernando
Pollard, R. V., Greenwood
Pollard, R. V., Jr., Greenwood
Porter, M. B., Mozelle
Posey, L. L., Jackson
Potter, Chalmers, Jackson
Powell, Robert H., Canton
Powell, Sid, Canton
Powell, W. H., Canton
Power, George B., Jackson
Price, J. H., Indianola

Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Price, K. G., McComb
Price, Maurice, Jackson
Price, Mrs. Zelma W., Greenville
Pringle, Victor B., Biloxi
Prisock, Neal, Louisville
Provine, B. B., Jr., Greenwood
Prude, J. O., Jr., Amory
Pullen, Robt. L., Aberdeen
Puryear, L. P., Senatobia
Pyle, J. A. E., Iuka
Quinn, D. M., Indianola
Ramsey, W. W., Vicksburg
Rankin, John E., Room 358, House Office Bldg., Washington, D. C.
Ratcliff, E. H., Natchez
Ratcliff, Lee, Natchez
Ratcliff, P. D., Raymond
Rawls, H. C., Columbia
Ray, Tip, Canton
Redmond, S. D., Jackson
Reeves, R. B., McComb
Reich, Frank L., Louisville
Reiley, Marion W., Meridian
Rhine, H. M., Iuka
Rhodes, John Sivley, Jackson
Rice, Greek L., Charleston
Rice, Greek P., Clarksdale
Rice, Joseph S., Starkville
Richardson, Charles, Macon
Richardson, E. S., Philadelphia
Richardson, F. E., Meridian
Ricketts, Barron C., Jackson
Ricketts, Robert B., Jackson
Riddell, J. A., Meridian
Ridgeway, Charles R., Jr., Jackson
Ritchy, G. P., Tunica
Roach, J. Gordon, McComb
Roane, A. G., Grenada
Roane, Sam D., Jr., Oxford
Robbins, N. V., Vicksburg
Roberds, W. G., West Point
Roberts, Bramlette, Oxford
Roberts, C. B., Jackson
Roberts, H. B., Crystal Springs
Roberts, J. C., Cleveland
Roberts, M. M., Hattiesburg
Roberts, W. B., Rosedale
Roberts, W. C., Rosedale
Roberson, J. Lake, Clarksdale
Robertson, Stokes V., Jackson
Robertson, Stokes V., Jr., Jackson
Robertson, W. W., Wesson
Robinson, R. H., Vicksburg
Roby, V. M., Tylertown
Rodgers, Henry L., Louisville
Roebuck, S. T., Newton
Ross, H. E., Jr., Laurel
Ross, J. C., Gulfport
Ross, Quitman, Laurel
Ross, Tom Trotter, Clarksdale
Rowe, V. D., Winona
Rowland, Dr. Dunbar, Jackson
Ruff, D. T., Lexington
Rush, M. L., Meridian
Russell, D. M., Gulfport
Russell, George Ramsey, Greenville
Russell, Lee M., Jackson
Russell, R. C., Magee
Sack, Lester M., Clarksdale
Salter, S. G., Hazelhurst
Sams, J. O., Meridian
Sanders, J. O. S., Jackson
Sanders, J. O. S., Jr., Jackson
Sanderson, David, Calhoun City
Sanford, W. H., Jr., Philadelphia
Satterfield, J. C., Jackson
Satterfield, Milling M., Port Gibson
Saul, L. K., Ellisville
Sauls, Edward B., Jr., Brookhaven
Savage, James S., Ackerman
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Saxon, O. E., Waynesboro
Scarborough, C. P., Sumrall
Schauber, A. B., Laurel
Schmitt, William A., 4444 Greenwich Parkway, Washington, D. C.
Scott, A. S., Laurel
Scott, Charlie, Jackson
Scott, Frank T., Jackson
Scott, J. M., Carthage
Scott, T. W., Eupora
Scott, Walter A., Jr., Jackson
Scudder, E. N., Mayersville
Seale, J. Eugene, Jr., Meridian
Searcy, W. P., Jackson
Sewell, Brown L., Jackson
Shands, Dugas, Cleveland
Shanks, J. W., Sumrall
Shannon, Charles R., Laurel
Sharp, E. C., Jackson
Shaw, George E., Jackson
Sheffield, I. L., Fulton
Sheffield, Joe, Calhoun City
Sheldon, Julia, Jackson
Shelton, Ernest L., Jackson
Shelton, Tom, Lambert
Shields, C. D., Meridian
Shipman, W. A., Jackson
Shirley, J. E., Quitman
Shivers, J. C., Poplarville
Shoemaker, A. R., Jackson
Short, Joseph H., Vicksburg
Shotts, H. A., Meridian
Sillers, Walter, Jr., Rosedale
Simmons, E. J., Magnolia
Simmons, E. J., Jr., Magnolia
Simmons, Hansford L., Columbus
Simmons, J. U., Gulfport
Simmons, W. W., Cleveland

Simrall, James R., Hattiesburg
Sims, W. L., Columbus
Singleton, Otho R., Forest
Singley, Jas. T., Meridian
Sisson, Charles A., Clarksdale
Sledge, N. R., Jr., Senatobia
Slough, C. E., Oxford
Smallwood, R. L., Jr., Oxford
Smith, B. J., Clarksdale
Smith, C. C., Richton
Smith, Edward W., Clarksdale
Smith, E. M., Holly Springs
Smith, Fred B., Ripley
Smith, George R., Pass Christian
Smith, J. I., Monticello
Smith, J. C., Laurel
Smith, J. J., Jr., Meridian
Smith, John T., Cleveland
Smith, Lemuel A., Holly Springs
Smith, Lemuel A., Jr., Holly Springs
Smith. L. O., Jr., Jackson
Smith, Luther A., Hattiesburg
Smith, O. R., Corinth
Smith, Rundle, Vicksburg
Smith, Sydney, Jackson
Smith, V. D., Iuka
Smylie, J. A., Crystal Springs
Snow, Charles B., Jackson
Snow, E. L., Meridian
Snowden, Grady, Jackson
Snyder, W. M., Jackson
Soloman, Earl, Greenville
Somerville, A. D., Cleveland
Somerville, Robert N., Cleveland
Sparkman, A. B., Cleveland
Spight, Frank L., Tupelo
Spinks, L. J., DeKalb
Spinks, Press, DeKalb
Spivey, L. G., Canton
Spivey, R. E., Canton
Spradling, J. M., Tupelo
Stainton, R. L., Jackson
Stamper, H. G., Union
Starnes, B. F., Slate Springs
Stennett, E. W., Jackson
Stennett, J. C., Jackson
Stennis, J. D., Biloxi
Stennis, John C., DeKalb
Stennis, J. P., Macon
Stephens, Hubert D., care R. F. C., Washington, D. C.
Stephens, Z. M., New Albany
Stevens, Ben, Hattiesburg
Stevens, H. S., Hattiesburg
Stevens, J. Morgan, Jackson
Stevens, J. Morgan, Jr., Jackson
Stirling, Carter, Jackson
Stirling, J. B., Jackson
Stockdale, Roy, Greenville
Stockett, Peter M., Woodville
Stockett. W. J., Woodville
Stockstill, J. E., Picayune
Stockstill, W. W., Bay St. Louis
Stone, H. R., Meridian
Stone, H. R., Jr., Meridian
Stone, James, Oxford
Stone, J. D., Lambert
Stone, J. P., Coffeeville
Stone, Phil, Oxford
Stone, John E., Jackson
Stone, V. D., Lambert
Stone, W. I., Coffeeville
Stoner, Alfred, Greenwood
Stovall, A. T., Okolona
Stovall, Carey, Corinth
Stovall, R. C., Okolona
Strange, E. T., Meridian
Strauss, D. S., Greenville
Street, A. J., McComb
Street, C. S., Laurel
Street, John C., U. S. Dist. Atty's Office, Meridian, Miss.
Street, Orbrey, Ripley
Street, Oscar, Ripley
Streit, Robert S., Jackson
Stribling, Dees, Philadelphia
Stribling, Jim, Philadelphia
Stribling, William P., Columbus
Stricker, V. J., Jackson
Stringer, H. C., Jackson
Strong, Jas. Wm., Mendenhall
Strong, L. Q., Sumner
Strong, W. A., Jr., Louisville
Stump, D. R., Aberdeen
Sturdivant, J. I., Columbus
Sullivan, C. W., Hattiesburg
Sullivan, T. Harris, Hattiesburg
Sumners, C. L., Corinth
Sumrall, J. H., Jackson
Sumrall, N. W., Belzoni
Sutherland, A. L., Booneville
Swalm, Sherman W., Brookhaven
Swalm, Terry S., Brookhaven
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Sykes, James Burbon, Mendenhall
Sykes, John A., Jackson
Sylverstein, B. S., Columbia
Talbot, J. M., Clarksdale
Taylor, E. B., Shelby
Taylor, J. L., Gulfport
Taylor, J. T., Ellisville
Taylor, Nelson E., Greenwood
Taylor, O. B., Jackson
Taylor, William F., Drew
Tally, J. R., Hattiesburg
Teat, G. L., Jackson
Teller, Landham, Vicksburg
Temple, W. F., Meridian
Terry, Robert B., Jackson
Thames, J. D., Vicksburg
Thames, J. D., Jr., Vicksburg

Tharp, Phillip A., care H. O. L. C., Office, Jackson, Miss.
Thigpen, C. W., Vicksburg
Thomas, Earl T., Indianola
Thomas, F. G., Tupelo
Thomas, J. M., Tupelo
Thomas, S. B., Greenville
Thompson, Allen C., Jackson
Thompson, C. E., Prentiss
Thompson, Fulton, Jackson
Thompson, J. H., Jackson
Thompson, J. L., Bay Springs
Thompson, R. H., Jr., Jackson
Thompson, Robert W., Jr., Gulfport
Thompson, W. S., Jr., Columbus
Thornton, G. J., Kosciusko
Tindall, Chas. S., Jr., 2579 Yale Station, New Haven, Conn.
Todd, E. B., Jackson
Todd, H. D., Cleveland
Toombs, William Ray, Arcola
Torrey, James A., Meadville
Torrey, V. G., Meadville
Townsend, D, D.. Greenville
Townsend, Don D., Greenville
Townsend, Oscar B., Indianola
Travis, Cecil, Jackson
Travis, J. Kearney, Hattiesburg
Travis, J. Madison, Meridian
Travis, S. E., Hattiesburg
Trenholm, Edward L., Jackson
Trigg, B. C., Greenville
Triplett, O. B., Forest
Triplett, O. B., Jr., Forest
Truly, E. G., Fayette
Truly, J. B., Fayette
Truly, Jeff, Fayette
Tubb, Condie L., Aberdeen
Tubb, T. B., Amory
Tubb, T. J., West Point
Tucker, C. B., Woodville
Tucker, W. F. Woodville
Tullos, L. V., Raleigh
Tullos, R. S., Raleigh
Turner, S. E., Carrollton
Tyson, J. A., Greenwood
Upton, Joe, Gloster
Valentine, A. F., Rosedale
Valentine, Carmon E., Cleveland
Venable, W. W., Clarksdale
Vollor, W. J., Jr., Vicksburg
Von Bloomberg, A. J., Jackson
Wade, Charles, Greenville
Wadlington, L. R., Belzoni
Wadsworth, J. M., Forest
Waits, Hilton, Leland
Walker, B. M., Jr., Starkville
Walker, J. C., Shaw
Walker, Ray, Laurel
Walker, R. B., Carthage
Wall, Hugh V., Brookhaven
Wall, E. R., Newton
Wallace, R. A., Gulfport
Wallace, Robert B., Meridian
Wallace, W. L., Gulfport
Waller, Ruth, Hattiesburg
Walton, Joe, Newton
Ward, E. C., Biloxi
Ward, J. C., Sumner
Ward, Will E., Starkville
Warren, H. G., Yazoo City
Warwick, A. M., Carthage
Wasson, Ben F., Greenville
Watkins, A. T. L., New Augusta
Watkins, D. M., Hattiesburg
Watkins, H. V., Jackson
Watkins, H. V., Jr., Jackson
Watkins, Thomas H., Jackson
Watkins, W. H., Jackson
Watkins, W. H., Jr., Jackson
Watson, G. S., Port Gibson
Watson, J. R., Jackson
Watson, Lamar, Greenville
Watson, W. Scott, Greenville
Weathersby, O. O., Taylorsville
Weaver, T. J., Picayune
Weems, Milton, Ellisville
Weil, Karl, Jackson
Weir, W. T., Walnut Grove
Welch, James Tracey, Laurel
Welch, W. S., Laurel
Wells, James M., Magee
Wells, W. C., Jackson
Wells, W. Calvin, Jr., Jackson
Wells, W. Calvin, III, Jackson
Wells, Will S., Jackson
Westbrook, C. H., Jr., Meridian
Wheeler, J. C., Biloxi
Wheeless, L. L., Jackson
Whetstone, J. C., Biloxi
White, H. Edwin, Lexington
White, J. M., West Point
White, J. P., Canton
White, T. J., Gulfport
White, W. A., Gulfport
White, W. H., Gulfport
Whitfield, Garland Q., Jackson
Whitman, Sam, Bay Springs
Whitten, A. L., Sumner
Whitten, Jamie L., Charleston
Whittington, E. F., Clarksdale
Whittington, E. O., Liberty
Whittington, L. A., Natchez
Whittington, William M., Greenwood
Wiesenburg, Otto Karl, Pascagoula
Wiggington, R. D., Biloxi
Wilbourn, J. C., Meridian
Wilbourn, R. E., Meridian
Wilczin, J. Manard, Greenville
Wiley, O. E., Rulevile
Wilkes, W. Ben, Greenville
Williams, C. D., Yazoo City

Williams, E. B., Poplarville
Williams, E. B., Meridian
Williams, E. G., McComb
Williams, Frank M., Mozelle
Williams, F. T., Mendenhall
Williams, G. E., Clarksdale
Williams, J. L., Indianola
Williams, M. Ney, Raymond
Williams, Parham H., Lexington
Williams, R. X., Oxford
Williamson, N. S., Meridian
Williamson, T. L., Purvis
Willoughby, T. R., Jackson
Wills, L. E., Meridian
Wills, T. J., Hattiesburg
Wilson, Charles D., Hazelhurst
Wilson, H. J., Hazelhurst
Wilson, J. C., Jackson
Wilson, T. W., Laurel
Wiltshire, James A., Magnolia
Windham, E. K., Booneville
Wngo, Earle, Hattiesburg
Wise, Louis J., Yazoo City
Wise, Sherwood, Jackson
Witherspoon, Gibson, Meridian
Witherspoon, S. A., Meridian
Witty, F. M., Greenwood
Womack, Edw. L., Brookhaven
Womack, W. D., Belzoni
Wood, C. H., Moss Point
Wood, T. A., Gulfport
Woodruff, Lee T., Batesville
Woods, Cilman, Water Valley
Woollard, P. B., Cleveland
Wooten, R. G., Jackson
Worsham, B. F., Corinth
Wright, C. B., Belmont
Wright, C. M., Meridian
Wright, E. C., Holly Springs
Wright, F. L., Rolling Fork
Wright, Russell, Meridian
Wynn, William T., Greenville
Wynne, Frank, Merigold
Yawn, J. N., Brookhaven
Yeager, J. A., Lumberton
Yerger, E. M., Clarksdale
Yewell, T. O., Carrollton
Young, H. D., New Augusta
Young, M. C., Aberdeen
Zama, Lena, Hazelhurst